DOCUMENT RESUME

ED 277 069 CS 505 450

AUTHOR	Charren, Peggy, Ed.; Hulsizer, Carol, Ed.
TITLE	Television, Children and the Constitutional Bicentennial. A Report.
INSTITUTION	Action for Children's Television, Cambridge, MA.
PUB DATE	86
NOTE	106p.; Report based on a symposium "ACT on the Constitution" (Washington, DC, June 1984). Major funding for this publication provided by the Benton Foundation, the Johnson and Johnson Family of Companies, the John and Mary R. Markle Foundation, the Andrew W. Mellon Foundation, the National Endowment for the Humanities, and the Charles H. Revson Foundation.
AVAILABLE FROM	Action for Children's Television, 20 University Rd., Cambridge, MA 02138 ($10.00 plus $1.50 postage and handling).
PUB TYPE	Books (010) -- Guides - Classroom Use - Guides (For Teachers) (052) -- Reports - Descriptive (141)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Audience Analysis; *Childrens Television; Citizenship Education; *Constitutional History; Elementary Education; Program Content; *Programing (Broadcast); *School Business Relationship; Teaching Methods; *United States History
IDENTIFIERS	Bicentennial

ABSTRACT

Compiled by the Action for Children's Television (ACT) committee, this report (1) distills themes from the symposium "ACT on the Constitution" that was designed to bring educators and members of the television industry together to talk about programing opportunities for the 1987 Constitutional Bicentennial, and (2) includes related information concerning the Constitution and young audiences. The first part focuses on the Constitution's place in American life, discussing why the Constitution matters, how children learn about it, and what the public knows--and does not know--about it. Focusing on the special mix of ingredients needed to make Constitutional programing attractive to young audiences, the second part discusses approaching the material, industry perspectives, and extending the life of programs. The third part, derived from material in ACT's files, provides program ideas and guidelines drawn from discussions with a number of teachers and historians on the subjects of how to teach the Constitution on TV, children and the Constitution, programs in progress, and organizations that can provide further materials on the Constitution. This part also includes a list of books and films providing sources of ideas for children's programing. A list of symposium participants is appended. (JD)

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Television, Children and the Constitutional Bicentennial

A Report by Action for Children's Television
Edited by Peggy Charren and Carol Hulsizer

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Cambridge, Massachusetts

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Action for Children's Television (ACT) is a national nonprofit organization working to encourage diversity in children's television and to eliminate commercial abuses targeted to children. ACT initiates legal reform and promotes awareness of children's television issues through public education campaigns, publications, national conferences and speaking engagements. Founded in 1968, ACT has more than 20,000 members nationwide and the support of major organizations concerned with children.

Acknowledgements

Action for Children's Television (ACT) is grateful to the Benton Foundation, the Johnson & Johnson Family of Companies, the John and Mary R. Markle Foundation, the Andrew W. Mellon Foundation, the National Endowment for the Humanities and the Charles H. Revson Foundation for their generous support of the project on television, children and the U.S. Constitution.

ACT also wishes to express its appreciation to the National Academy of Sciences for its cooperation in providing facilities for the symposium upon which this report is based.

Additional funding for this project was provided by the following companies:

ABC
The Behrens Company
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Action for Children's Television
20 University Road
Cambridge, Massachusetts 02138
617-876-6620

Contents

Foreword 7

ACT on the Constitution: Symposium Agenda 8

Part 1 **The Constitution's Place in American Life**

Why the Constitution Matters 13

How Children Learn About the Constitution 25

What the Public Knows — and Doesn't Know — About the Constitution 32

Part 2 **Media Opportunities**

Approaching the Material 37

Commitment and Constraints: Industry Perspectives 43

Extending the Life of Programs 52

Part 3 **From ACT's Files**

How to Teach the Constitution on TV 57

Children and the Constitution 60

Programs in the Works: A Sampling 79

Organizations Worth Contacting 84

Resources 85

Appendix Symposium Participants 102

Foreword

In June 1984, Action for Children's Television organized a symposium, "ACT on the Constitution," to bring educators and members of the television industry together to talk about programming opportunities for the 1987 Constitutional Bicentennial. ACT's goal was to encourage the media to use its vast power to help young people become aware of how much we count on the Constitution in our everyday lives.

Informality marked the two-day meeting, held in the congenial setting of the National Academy of Sciences in Washington, D.C. A roundtable format enabled participants to exchange ideas freely and debate arguable points. ACT had urged invitees to speak from experience and not to shy away from controversy. The accompanying agenda shows the range of topics covered in discussion.

This highly-edited report distills from the full meeting transcript themes and nuggets of wisdom participants considered important. It also includes related information ACT has gathered concerning the Constitution and young audiences.

Dr. Richard M. Huber ....
Assistant Director for Media Programs, National Endowment for the Humanities

"Rarely does a funding organization have the opportunity to support a conference which fulfills two of its major initiatives, but that is the case here. The National Endowment for the Humanities is supporting children's programming and the United States Constitution. The Endowment has faith that its investment will pay off with quality programs for children and teenagers, and we are looking forward to your proposals. The Bicentennial of the Constitution, as you know, is in 1987, but you should not restrict your efforts to that year. We intend to support these initiatives into the early 1990s in order to mark the anniversary of the passage of the Bill of Rights."

ACT on the Constitution: Symposium Agenda

Session 1

Welcome

Peggy Charren
President, Action for Children's Television

Statement of Support for Children's Programming Related to the Constitutional Bicentennial
Dr. Richard M. Huber
Assistant Director for Media Programs, National Endowment for the Humanities

Keynote: Significance of the Constitutional Bicentennial
Benno Schmidt
Dean, Columbia University School of Law

Historical Perspectives
Paul Murphy
Professor of History, University of Minnesota

Break

How, What and When Children Learn about the Constitution in School
Charlotte Anderson
Staff Director, Special Committee on Youth Citizenship, American Bar Association

Louise Latty
Superintendent Assigned for Instruction, New York City Board of Education

What are the Attitudes of Young People Toward Constitutional Guarantees?
Arthur H. White
Vice Chairman, Yankelovich, Skelly and White

Alvin F. Poussaint, M.D.
Associate Professor of Psychiatry, Harvard Medical School

Is the Constitution in Danger Today?
Anthony Lewis
Columnist, *New York Times*

Session 2

The Living Constitution
Fred Friendly
Professor Emeritus of Journalism, Columbia University;
Producer, "The Constitution, That Delicate Balance"

Kids Tackle the Issues
Tyrone Brown
Former Member, Federal Communications Commission;
Attorney, Steptoe & Johnson

High School Students from Bladensburg High School, Bladensburg, Maryland

Break

Roundtable Discussion
Dramatizing the Constitution for Children: Opportunities and Obstacles
Remarks by TV Industry Executives, Producers, Writers

Aida Barrera
President, Southwest Center for Educational Television

Richard C. Block
Executive Vice President, Metromedia Television

Sue Miller Buske
President, National Federation of Local Cable Programmers

Ward B. Chamberlin, Jr.
President, WETA-TV, Washington, D.C.

George Dessart
Vice President, CBS/Broadcast Group

Lawrence P. Fraiberg
President, Television Station Group, Westinghouse Broadcasting and Cable

Michael Fuchs
President, Home Box Office

Charles Keller
Vice President, Capital Cities Television Productions

Ernest Kinoy
Writer

Sheila Mahony
Vice President, Cablevision

Squire Rushnell
Vice President for Long Range Planning and Children's Television, ABC

Jeffrey Schiffman
Program Director, WNEV-TV, Boston

Pat A. Servodidio
President, Television, RKO General

Phyllis Tucker Vinson
Vice President, Children's Programming, NBC

Catherine Wyler
Director of Children's and Cultural Programming, PBS

Session 3

Guiding Children Through Serious Issues
Stephen J. King
Teacher, Overbrook High School, Philadelphia, PA

Making History Come Alive for a Mass Audience
David McCullough
Author; Host of "Smithsonian World"

Teaching with Television
Edwin G. Cohen
Executive Director, Agency for Instructional Technology

Break

Using Network Power to Educate
Raymond J. Timothy
Group Executive Vice President, NBC

Using Corporate Power to Educate
Terence J. Fox
Chairman, Iroquois Brands Ltd.

Doing Well by Doing Good
Daniel Wilson
Daniel Wilson Productions

Session 4

Getting the Message Out
Grace Baisinger
Past President, National PTA

Joanne Brokaw
Vice President, Educational and Community Services, CBS/Broadcast Group

Karen Jaffe
National Education Association

Stephen A. Janger
President, Close Up Foundation

Judith Krug
Director, Office for Intellectual Freedom, American Library Association

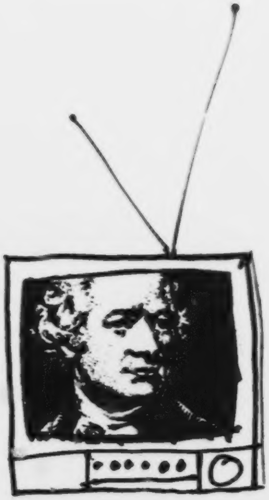
William Singer
President, Prime Time School Television

Judith Hines
Vice President and Director, American Newspaper Publishers Association Foundation

Richard Smyser
Editor, *The Oak Ridger;* President, American Society of Newspaper Editors

Setting Priorities

Concluding Remarks



Part 1
The Constitution's Place in American Life

Why the Constitution Matters

ACT asked Anthony Lewis of the New York Times *to talk about current dangers to the Constitution. His remarks show what the Constitution meant to the newly established nation in 1787 and what it means today. They are presented here in full to set the stage for subsequent symposium discussions.*

Anthony Lewis ....
Columnist, New York Times

Early in the year 1798 Thomas Jefferson wrote his friend James Madison that "a great ball" was to be given in Philadelphia on February 22, Washington's birthday. Jefferson, the man of democratic manners, said this "very indelicate" idea aroused "uneasy sensations"; but he consoled himself with the thought that they were planning to celebrate not *President* Washington's birthday, but *General* Washington's.

That little anecdote may seem a long way from the question of whether the Constitution is in danger today, but in fact it is not so far. For what gave Jefferson those uneasy sensations was not some social qualm but fear of power; power concentrated in a single person at the head of the new American Federal Government.

Jefferson and the others who had joined in the Declaration of Independence in 1776 knew all about power in the hands of one individual. They had made a revolution against one, and did not want to see this country slip into some other version of a king. They did not want a President who governed as if by divine right.

Preventing the concentration of power was a main concern in the minds of the delegates who met in Philadelphia in 1787 to draft a Constitution. They were dealing with physical difficulties that it is hard for us even to imagine: a sprawling land, much of it untamed, where it took seven days for news to get from New Hampshire to Virginia. Somehow they had to knit thirteen very different states, each jealous of its rights, into a country. They had to give the new national government power enough to do that — but not enough to take away the freedom so hardly won.

The classic statement of the problem was written by James Madison in the fifty-first of the Federalist Papers. "If men were angels," he said, "no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

What "auxiliary precautions" did Madison and the other framers of the Constitution write into it? One was the whole idea of a government that had only the powers granted by a written Constitution, not the unlimited authority that governments had historically assumed. Another was the division of power between the states and the Federal Government.

Third — and I think most important — was the separation of powers among the three branches of the Federal Government. That has an abstract sound to it, the phrase "separation of powers." But Madison thought of it as something for use in the real world of politics, and so should we. The idea was simple. The natural tendency of any person or institution of government is to be jealous of its own power, Madison and the others thought. So, in a government with several centers of power, if one overreached, another would resist. If Congress tried to throw its weight around, the President or the Supreme Court would say no. If the President assumed too much power, the other two branches would resist, and so on.

It was a recipe for conflict, you may say — and so it was. We live with the untidiness of it all the time, and other countries wonder at the unending quarrels between Congress and Presidents. But Justice Brandeis told us the truth about that. The purpose of the framers, he said, was "not to promote efficiency but to preclude the exercise of arbitrary power. . . , not to avoid friction, but, by means of the inevitable incident to the distribution of governmental powers among three departments, to save the people from autocracy."

That kind of Constitution had an inevitable consequence, if it was going to work. There were rules, and somehow they had to be enforced. The American answer was law. And so our Constitution has produced the most legalized society on earth. Judges direct us all in ways that most other countries can hardly imagine.

A great example — though I sometimes think it is almost forgotten now — was the Steel Seizure Case decided by the Supreme Court in 1952. We were in the middle of the Korean War then, and the country's steel industry faced a strike that the military feared would dangerously reduce supplies of arms and ammunition to our soldiers. President Truman stopped the strike by seizing the steel mills and operating them under government control. The companies sued and the Supreme Court held that the President had exceeded his powers. Justice Black's opinion said he had violated the separation of powers; he had tried to exercise *legislative* power, which is confided to Congress. Justice Frankfurter said the framers of the Constitution "had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power."

In a way the most remarkable thing about the Steel Case was what happened after the Supreme Court handed down its decision. President Truman obeyed it. He gave the mills back to the owners, though he knew a strike would follow and he was convinced that the lives of American soldiers would be endangered.

To us that seems unremarkable: the Court made a decision, the President carried it out. But the view in other countries is very different: even in Britain, which we think of as sharing our assumptions. The decisions of courts — the whole idea of law — simply do not carry the same kind of respect in Britain.

A friend of mine who is visiting London this year, Professor Charles Alan Wright of the University of Texas Law School, wrote me just the other day about his surprise at attitudes there. He was talking to the top civil servants at the Home Office about our legal system, and he mentioned how President Truman had carried out the Court's order in the Steel case. They were simply amazed. No such thing would happen in Britain, they said. And it is true that court orders are quite often ignored there — because they are considered politically inconvenient: for example, orders right now forbidding aggressive picketing by striking coal miners.

With us the politics work the other way: in *favor* of law. When the Supreme Court decided in 1974 that President Nixon had to turn over his tapes to the Special Prosecutor, he did so — and was immediately forced from office as a result. It was simply impossible, in terms of *our* politics, for him to defy the order. The country would not have stood for it. Professor Wright could tell about that episode. He was Richard Nixon's lawyer.

When people from other countries ask why we have such reverence for law, I say that tradition has given us no other glue to hold our turbulent socity together. This is a vast country with a diverse population. We have no crown to unite us, and we have very little sense of history. We have the law. That is why we insist that the exercise of power — the power of state officials, even the power of a President — be held to standards of law.

Or at least we have done so in the past. Now I am not so sure. For we have in office a government that in many ways displays a contempt for law.

The dramatic recent example was the attempt to flee the jurisdiction of the World Court when Nicaragua sued the United States there to stop our mining of its harbors. For decades this country has urged the introduction of law as a remedy in international conflict. Suddenly, when it looks inconvenient to us, we announce that we are temporarily pulling out of the Court's jurisdiction. We treat law as if it were a burden, a disadvantage to the United States in international affairs. That behavior is not just arrogant; it is stupid. For the law is generally an advantage to us in international politics. We denounce the Soviet Union for not complying with the human rights provisions of the Helsinki accords, and rightly so. But how can we hold others to legal standards if we denounce them for ourselves?

Less dramatic but perhaps even more important are examples of Presidential disregard for the commands of Congress. There have been many reports that the Central Intelligence Agency is getting around the limits imposed by statute — by law — on aid to the terrorists we sponsor in Nicaragua. This President has more than once disregarded the rules laid down by the War Powers Act.

At home as abroad the Government shows disdain for what have been norms of official legal conduct. Two years ago the Administration swept hundreds of thousands of disabled Americans off the Social Security rolls on the ground that their disablity was not serious enough to qualify them for the payments. Many courts have found that individuals were dropped out of the system illegally, because in fact they were disabled and did qualify for Social Security payments. But the Administration has a policy of refusing to apply those decisions except to the particular person who sued — refusing, that is, to apply the rule of law laid down by the courts to other disabled persons similarly situated. A judge of the Ninth Circuit Federal Court of Appeals, Harry Pregerson, said the attitude reminded him of the Southern doctrine of "nullification" before the Civil War, when rebellious states refused to recognize Federal laws they did not like.

I was asked today to speak about constitutional issues likely to face us in the years ahead. There are many specific problems developing, and we can see them: claims of discrimination on account of race and age and gender, issues of religion in school, of free speech and freedom of the press, of the death penalty. Many of the Constitution's familiar guarantees of individual rights — such as freedom of speech or the equal protection of the laws — will be tested in new factual situations.

But I think the acute question facing us arises not from the specific clauses of the Constitution protecting individual rights but from the fundamental structure of the Constitution: the creation of three branches of government, the separation of their powers, the insistence that each respect those limits: respect the law. I think our most profound concern will not be keeping our Living Constitution, as it is often called, up to date. Our concern will be to keep faith with the founding premise of that great document: to keep those who rule us within the law.

The President most of all. Presidents today exercise power undreamed of when Jefferson worried about too much reverence for Washington. I am not referring only to the ultimate authority of a President, to use nuclear weapons: we may hope that power remains unused. But Presidents *have* taken this country into savage, debilitating wars without getting from Congress the Declaration of War that the Constitution envisages. Presidents *have* claimed the right to wage secret wars. Even when we are nominally at peace, every contemporary President commands a vast military establishment, though Jefferson and the others especially feared a standing army. Apart from questions of war and peace, Presidents have domestic powers unimaginable even a few decades ago: to manipulate the national economy, for example, and to grant or withhold support from hundreds of thousands of college students.

My conclusion is that holding Presidents to the rules is more important now than ever. Men and women are no more likely to be angels today than in Madison's day, and their potential for abusing official power is much greater. Presidents of all parties resent the encumbrances to which they are subject: the need to report to Congress, to comply with detailed statutory requirements, to get funds for the foreign policy initiatives they want to make. But those are the ways we have of holding Presidents *accountable*. And accountability, defined by law, is the bedrock of the American Constitution.

In his great play, "A Man for All Seasons," Robert Bolt teaches us something about the importance of law — not least when it seems inconvenient. His hero, Sir Thomas More, is talking with his son-in-law, Roper. An evil man has just visited them, and Roper urges Sir Thomas to use any device to stop the man. Would he cut down the trees of law, then, Sir Thomas asks, to get at the Devil? He would cut down every tree, Roper replies. Then Sir Thomas More says "When the last law was down, and the Devil turned around on you, where would you hide? . . . . I'd give the Devil the benefit of law for my own safety's sake."

Symposium discussion began as participants focused on specific questions.

In essence, what should the American public, including children, understand about the Constitution?

Benno Schmidt . . . . Even those of us who are used to living and dealing with it may not always see the essences, the simplest things about the Constitution. Let me suggest a few.

Dean, School of Law, Columbia University
(currently President, Yale University)

The first point is so obvious that it tends to be lost. The Constitution is law. That's a quite unusual and exceedingly complicated idea. Every official of the government, high or low, the President in the White House, the cop on the beat, the Justice of the Peace, the principal of a public junior high school, a social security administrator, a probation officer, every official, high, low or in between, is required to obey it.

The idea that the Constitution governs all officials leads directly to another essential idea — that of limited government. The most central of the Constitution's conundrums or contradictions is that the principal function of this particular product of government is to limit government.

How and why does this happen? Mainly through a system of institutional divisions. You've got to make come alive for children the idea, as Brandeis put it, that the Constitution was not intended to create an efficient government. It was designed to conduce not to efficiency but to liberty. It was designed to create friction and difficulty in the process of governing — friction between the nation and the states, between the President and Congress, between the courts and other branches.

Second, in addition to these institutional divisions and friction, the Constitution seeks to limit the power of government in the service of individual rights. It reflects a peculiarly American idea about the relationship between the individual and government, the essence of which is that the individual is sovereign and not the government. The people have the censorial power over the government, Madison said, rather than the reverse.

You've got to make come alive for children the idea that a root, maybe *the* root, of the Constitution is a complicated ideal of individual autonomy and dignity. The individual is an end in himself or herself and not a cog in the service of some general social end.

Under the Constitution, the individual is protected, preserved and dignified even when it is not in society's general interest. You can't force a person to incriminate himself or herself, even if it might be in society's interest. A person has a right to counsel in all kinds of interactions with the government — particularly in the criminal process — even though that may be very inconvenient in terms of social values.

Individual autonomy means that the Constitution protects in a variety of settings not just religious convictions or political and cultural freedom of expression, but also protects fundamental choices about sexual behavior and reproduction. To some extent, it protects family choices about child rearing, how children are to be treated and educated, as well as basic lifestyle choices regarding whom one elects to live with and similar issues.

Thus, families have some degree of autonomous freedom, even if it is not in society's interest. This notion of individual autonomy is more than merely the democratic idea of the right to vote. That's very important to be sure. But in our constitutional system, the relationship of the individual with the government is of a more fundamental nature.

Embodied in the clusters of individual rights that the Constitution seeks to protect are other essential values. One is tolerance. If you think about all the First Amendment guarantees — freedom of religious conviction and practice, freedom of speech, freedom of the press, the right to petition the government for a redress of grievances, the right of peaceable assembly — the root idea there is tolerance.

Tolerance is the idea of protecting the opportunity to be an individual, which means to be different, to adopt your own religious beliefs and practices, to say what you want to say, at least about all questions of public importance. It's freedom for the thought we hate, as Holmes said, that lies at the heart of free speech.

Another root principle is equality. And yet if you look in the original Constitution that is about to be 200 years old, you will not find "equality" anywhere in the text. You will see, in fact, a document that makes evil concessions to slavery.

It's no surprise that it took a civil war for the idea of equality to find its footing in the Constitution of the United States. But through this really tortuous process, you see the slow but inevitable emergence, I think, of equality as a fundamental Constitutional essence.

The significance of equality is that birthright traits — matters over which an individual has no control and bears no responsibility, whether it's race or gender or illegitimacy or poverty — have no place in the allocation of rights. But the notion of equality goes even beyond that. Children should understand that the Constitution controls stereotyping. It requires that people should be judged as individuals and not in terms of gender or other comparable stereotypes.

Paul Murphy . . . .
Professor of History,
University of Minnesota

I would add one other element to Dean Schmidt's value system which he has spelled out so very well. Not only is the Constitution limited government and the rule of law. The Constitution is also a way of doing things, as well as a set of values which we are trying to achieve. Due process does actually mean process — a process whereby we do things in this country in the right way, in the proper way, in the fair way, in the just way.

These are values that young children understand. They understand what is fair and what is right. They can be brought into that process if we indeed give them the opportunity to see where they can put their greatest influence.

On what did the framers of the Constitution base their vision of the rules this country needed?

Paul Murphy .... Let me offer here the gist of a quote from Thomas Jefferson which I think speaks to a number of things we'll hear at this meeting. He said at the time: "In every government on earth is some trace of human weakness, some germ of corruption and degeneracy which cunning will discover and wickedness incessantly open, cultivate, and improve. Every government degenerates when trusted to the rulers alone. The people themselves, therefore, are its only safe depositories, and to render even them safe, their minds must be improved to a certain degree. . . . Influence over government must be shared among all the people; if every individual participates in the ultimate authority, our new government will be safe."

Richard M. Huber ....
Assistant Director for Media Programs, National Endowment for the Humanities

It's a good thing that the Constitution was constructed by framers in the 18th century and not in the rushing tide of 19th century romanticism, because I fear that the romantic mindset would have made a mess of it.

Romanticists would probably have begun with the idealistic assumption that humans are good, and on that basis would probably have produced a poor document. Whereas we all know the framers began with the assumption that humans are bad, and therefore created a good document.

Why does the Constitution still work?

Benno Schmidt .... We have a Constitution that is written down — an authoritative text. We think of ourselves as anchored in that text, in the same way that if we are religious, we look for sacred text on which to found our beliefs. And we think of this text as governing us, anchoring us in a past and in a process of continuity.

Yet if we try to communicate to children or to anybody what is in this authoritative text, when we look at the critical words — about equal protection of the laws, due process, freedom of the press — our eyes really dance with the ambiguity of what those words convey. The text repeatedly, insistently throws up fundamental questions: What does this mean? What does that mean? And each generation has to answer those questions for itself, typically in a different way.

Ours is the oldest Constitution in the world, but rather than behaving like a fossil, it seems to change with all the volatile intensity of a teenager. It is a document that is 200 years old, and yet, in the most essential way, it is a Constitution that is always in the process of becoming. You can only catch it on the run, as it were.

In reality, we have multiple or successive Constitutions — at least a second

Constitution after the Civil War, and I think most people would argue more than two.

After the original Constitution was ratified, Thomas Jefferson wrote that every generation of Americans should adopt its own Constitution. He thought a Constitution had a kind of natural life of about 30 years or so, after which it would become obsolete. Moreover, he thought the past had no moral claim, no political right to try to rule the present and the future. Jefferson would be extremely surprised at the very notion of a lasting Constitution or a Bicentennial. He would want to know what happened to the right of every generation to govern itself.

Why is it important for children today to know about the Constitution?

Paul Murphy .... Clearly, the whole constitutional process is ongoing and the obligations of citizenship are clear. Children should somehow be made to understand and share those obligations.

The founding fathers were themselves centrally concerned with this problem. They were a generation of rather remarkable people, who had made important personal sacrifices to participate in creating a country. They spent a great deal of time in public life and gave up much of their own comfort and fortunes to be sure that a new American way of life was actually achieved.

But they also knew perfectly well that this would not happen unless the people continued the process. The people had to be made to feel the responsibility that they in turn were the ones who were going to make this work. Future generations, yet unborn, had the obligation to assure that the process would continue.

Benno Schmidt .... The Constitution reminds me of what Will Rogers said about corrupt politicians. "It's not the original investment that counts," he said, "it's the upkeep."

In the coming bicentennial year, the crucial message is our realization that the Constitution is not just something that comes to us handed down by the framers, great as they were. This is a document which, my kids would say, "hits you where you live."

Kids ask all kinds of questions to get a handle on the real question of "Who am I? " The Constitution really defines who we are in a collective, social sense. So, I think these issues will be profoundly interesting to children and will hit children where they live. I think you'll find that you have an audience for programs that bring constitutional issues to life. Television programming that informs young people about the Constitution is a good idea politically, academically and humanistically.

What about the rights of children themselves under the Constitution?

Martha Minow . . . . The immediacy of legal issues affecting children is obvious. I know that kids I speak with are very interested in knowing about what rights they have and don't have.

Assistant Professor, Harvard Law School

I certainly agree with others who have said that television would be a splendid place to have programming about children's rights. But I guess I have some cautions about it too. For starters, children's rights are different than the rights of other people under the Constitution. There's a lot of confusion, concern and litigation about this. One reason why so many cases are coming to court is that we have not decided as a society to give children the same rights as adults. So in each constitutional context, whether it's free speech or equality, or anything else, we're constantly debating how much like adults should we treat children or how differently.

For example, under a rule of law, is pre-trial detention allowable for juveniles when it may not be allowable for adults? To what extent are there things that we justify or permit on the part of officials or adults in controlling children that we don't permit in the control of adults?

It's clear that TV programs dealing with the treatment of children by the legal system would involve a very complicated set of issues, especially for young audiences. On the one hand, you want to alert children to the ideals of the Constitution. On the other hand, you want to alert them to the justification often proffered for not treating children the same way as adults under those ideals.

Concerns like these point to several risks in the whole enterprise that I'd like to highlight. They're not all red lights but yellow lights that perhaps will guide people as they construct program ideas.

The first is that it's terribly important to be sure not to depict the Constitution as unchanging. It is changing, as in the area of children's rights. But it's not a process of unidirectional change; it's a constant, conflictive process, and it goes back and forth. It also seems important not to depict the past uncritically, as though what we've had is a steady march toward progress and the expansion of liberties. In fact we've had a series of very fluctuating changes, in part responsive to political crises, in part unresponsive to those with less power.

By the way, here's a little footnote that's an issue in textbook writing too. While I believe that depicting famous constitutional cases is a great idea for children, if you portray the past literally, then you reiterate in very subtle ways the problems of the past. For instance, a recreation of the past would show that it has been white males who have constructed our legal system. So, if the program focuses on that — how white males have ruled our government — I think that could pose a problem. Not unresolvable, but you have to pay attention to it. There's an ethnocentrism even in our successes of the past.

Another risk is that of treating the law as though its ideals are real in practice. It seems to me absolutely key, in particular when children's rights are the subject, to indicate that in general the ideals are not manifested in practice.

A good example is the juvenile court system where we had, in fact, a dramatic, historic revolution giving children rights after initially treating them as somehow removed from the constitutional protections of the Fourth, Fifth, and Sixth Amendments. The Gault case said, "No, no, you cannot treat children as if they have no rights. If you're going to try children for criminal offenses, they are also entitled to have representation by counsel and not be coerced into confessing, etc."

It's a dramatic case, a wonderful one which would make a terrific show. But the reality of the juvenile court system is quite different from the ideals announced in the glowing prose of the Gault opinion. The reality of the system shown by Fred Wiseman in his documentary [*Juvenile Court*] and that I see in court fairly often is a rather distressing summary treatment of people's lives. I think it's terribly important to juxtapose both of those stories.

A third risk is the risk of attributing to the law and to the Constitution our visions, hopes and ideals. I think the legal system is primarily a structure for self-governance. If we look to the law for the content of that governance, it will reveal a rather impoverished picture of truth and justice — in part because the law itself is committed to certain principles such as precedent and adhering to tradition, and in part because in fact, the legal system is very deliberately not the source of fundamental expressions of freedom.

What the law guarantees people is the freedom to express their own views. It doesn't itself contain what those views should be. It's vital to educate children that the law itself contains conflicting ideals. So simply to look to the law for the ideals is not the answer.

As a last risk, I worry about suggesting that legal problem-solving is the best way to solve problems. It's quite right to say that the notions of fairness that have permeated our culture are consistent with the legal system. I'm not sure that's so great. I think that the more students in classrooms resolve their problems by adversarial disputes, the less chance there is for a different kind of community to emerge. So, if there's some chance of suggesting a limit to the law, I think that would be helpful.

What kind of legal issues are children likely to understand?

Alvin F. Poussaint, M.D. . . . . . .
Associate Professor of Psychiatry, Harvard Medical School

I think children do understand the idea of equality and individual rights, but I think a direct connection between their lives and the Constitution has been missing in the way we educate them. Issues affecting children come up so often and so dramatically today, that I think if you could approach the Constitution from this perspective, it would mean more to youngsters.

Some of the situations you see are sad and tragic. Here's an example of one that was a bit ironic. A mother, a black woman, brought her little boy into the hospital clinic. She had beaten him with a belt strap; the kid had welts all over his legs. Because the mother seemed to be abusing the child, the clinic social worker decided to take the kid away and place him in a home.

Well, the mother went wild in the clinic and began to tear the place up. The staff was afraid, and called me because she was black and they thought I could calm her. So I saw the woman, who was in a fury. She yelled, "What's wrong with those white doctors? They're strange! You know, they want to take my kid away from me because I gave him a whippin'! What do they expect parents to do?"

What I'm emphasizing is a difference in values and what people feel their rights are. That mother felt it was not only her right but her duty as a parent to really beat that kid, to beat the badness out of him. What's more, the kid didn't want to leave the mother; he didn't see anything wrong. He said, in effect, "I was bad and my mother gave me a good beating. Yeah, sure I got bruises on my leg." Yet the child was still taken away.

You can see all the legal questions here, including the kid's rights, the mother's rights, and how the Constitution operates in relation to the family and children. Children can easily understand when issues like these are portrayed.

Here is another case, one decided by the Massachusetts Supreme Judicial Court. A little girl was placed by her father in a foster home when she was about 6 months old. It happened because the mother had a mental breakdown and was institutionalized and the father felt incapable of caring for her.

She remained in this home for 10 years and the foster parents wanted to adopt her. She had not seen her father since she was placed, when suddenly he appeared and said he wanted his child back. The daughter didn't know him at all; she wanted to stay and be adopted by the foster family. Two lower courts ruled that the foster parents could adopt and the father had no rights. The state Supreme Court overturned the decision and said the daughter had to go with the father. Imagine what this means for a 10-year-old.

This is the kind of thing that children are concerned about, particularly in a society where we have such a high divorce rate. Children in Boston have written books about divorce. Five-year-olds talk about divorce and even custody issues: "Who are you going to live with?"

There are a lot of laws and constitutional issues that directly involve children — like those above. Kids are aware of them, hear about them on the news, find out details from friends or schoolmates. You can certainly reach young audiences with programs based on these realities.

How Children Learn About the Constitution

What happens in a large urban school system?

Louise Latty .... *Superintendent Assigned for Instruction, New York City Board of Education*

New York City mandates study of the Constitution at various points throughout the K-12 social studies curriculum. Citizenship has been called the spine of this curriculum. We think an understanding of the Constitution is certainly at the core of good citizenship. Our focus is designed to demonstrate citizens' constitutional privileges and obligations such as voting and jury service.

Our goals are to help students comprehend the origins of the Constitution, know its purpose in our political system, understand the principles of government it embodies such as federalism, separation of power, checks and balances, judicial review and limited government and to recognize the role of the Supreme Court.

We want students to understand the concepts on which the Constitution is based (equality, freedom, rights and responsibilities, due process) and to know about the process by which it can be changed. We want students to examine the important constitutional issues that arise and to be able to apply their knowledge to past and present events.

In New York City we do this through various courses of study. At the Grade 4 level, it's "How the U.S. Began and Grew — American People and Leaders," which emphasizes the role of individuals in American history and how their ideas, values and actions contributed to the development of the nation and its laws. Another American History course at Grade 7 involves students in a chronological study of events leading to the Constitution and an exploration of the principles of the document itself. In Grade 8 the course is "Urban Studies and Citizenship," dealing with the impact of the Constitution on our lives today, with specific emphasis on the Bill of Rights. A more advanced American History course in Grade 11 gives students a more sophisticated, in-depth study of the principles introduced at the 7th Grade level.

We use the case study method to teach that the Constitution is a living document; this helps students develop research skills as well as the ability to think analytically and evaluate what they are reading.

In addition to these basic courses, many schools offer special law-related programs. About 100 of New York City's 300 secondary schools feature a separate course in Constitutional Law. Beyond exposure to basic principles, these programs also provide enrichment activities such as moot court proceedings, mock trial competitions, classroom speakers and class trips to courts and even to Washington, D.C. Teacher training conferences such as one held recently at the New York City Bar Association as well as other special programs help to diffuse constitutional learning. We are particularly proud of the Project Mentor Program, started two years ago with 19 high schools and 3 junior high schools, in collaboration with 22 New York City law firms. The program is now expanding throughout the state and to cities as distant as Chicago. We also have organized a city-wide model Congress in which over 60 students participate annually; they learn about the federal system by assuming the roles of senators and representatives.

The New York City Board of Education has recently received a National Endowment for the Humanities grant to develop a city-wide plan to celebrate the Constitutional Bicentennial. The plan will allow each participating school to be a center of local community-organized activities highlighting the Constitution's relevance. We're thinking in terms of debates on constitutional issues, recreating the Constitutional Convention and other projects.

It's our role as educators to make the Constitution meaningful to those who will lead this nation into the 21st century. At times it's not easy to motivate youngsters to learn about the Constitution. However, we do have some very creative teachers who get them to become involved.

Is this instructional pattern the same in schools across the country?

Charlotte Anderson .... Variations exist and state requirements shift, but the typical school social studies curriculum exposes children to the Constitution in Grades 5, 8, 9, 11 and 12. Generally, children have their first introduction to the Constitution at about age 10.

Staff Director, Special Committee on Youth Education for Citizenship, American Bar Association; Board of Directors, National Council for the Social Studies

It's interesting to note that about half the states mandating study of the Constitution offer it in Grade 6 or above. Is there perhaps a sense that younger children should *not* be required to know and understand the Constitution?

How and what do children learn?

Charlotte Anderson . . . . Usually children learn about the Constitution from reading textbooks, because teachers continue to rely very heavily on texts for social studies instruction. A recent study focused on textbooks used in the 8th, 9th, 11th and 12th grades to see how they treated the Constitution. I'd like to share with you what the researchers found out that students *didn't* learn.

The study noted that students did not learn much about the Constitutional Convention, certainly not what a dynamic political event it was. Children reading the texts will learn to recognize the word "Constitution," and are likely to spend painful hours memorizing the Articles of the Constitution in their proper order. They are tested on what is covered under Article I, Article II, etc., but are unlikely to develop a concept of constitutionality or constitutionalism. They get only a superficial introduction to court cases and in some instances, not even that, for some landmark Supreme Court cases are completely ignored.

Students don't get any sense of the significance of constitutional principles in their lives. They don't find out about how the Constitution "hits you where you live" — in Dean Schmidt's words. They don't learn how significant political events throughout history and today connect with the Constitution or how our Constitution and our political system compare with others.

These deficits not only reflect problems with textbooks but are also typical of standard, mainstream social studies programs. It's a concern that has led to an emphasis on Law-Related Education, known as LRE. LRE has been defined as education to equip non-lawyers with knowledge and skills pertaining to the law, the legal process, the legal system and the fundamental principles and values on which these are based. The LRE concept began in the 1960s, when the Civil Liberties Educational Foundation and the National Council for the Social Studies cooperated in producing a report entitled "A Program for Improving Bill of Rights Teaching in the High School." Since that time, LRE has become a curricular area especially directed toward developing student understanding of the basic principles on which our legal system and civic institutions rest.

In LRE, children learn by studying actual court cases, participating in mock trials, working with volunteer attorneys to prepare for trial, visiting courts in session, questioning judges about procedures and dispensation, riding with police on patrol. They discover that the Constitution and its Amendments are not dead but very much alive, and that people are working hard to be certain that the ideas contained in these documents are put into action.

By this exposure to the living legal system, students see its flaws and weaknesses as well as its strengths. Using the LRE curriculum under the guidance of teachers, lawyers, judges and other volunteers, children explore the possible remedies for these failures.

There is an ever-growing number of creative materials and approaches to teaching the Constitution that even very young children can handle. When can it start? How about when they are 6 years old and walk into a first grade classroom in Alexandria, VA. The imaginative teacher of this class spends two or three weeks working with her pupils to write their own classroom constitution in their own words. She uses this opportunity not only to help them learn about the nature of rulemaking in an equitable, democratic society, but also to introduce them to the real Constitution. She tells them the story of how it was written by real people, just as they are struggling to write their own version — an excellent model for developing the concepts of constitutionalism.

Paul Murphy .... We must be careful not to underestimate our clientele here. Young children have an amazing capacity to understand and come to terms with constitutional concepts, as this simple story illustrates.

A 4th grade teacher at a New Orleans private school asked me to talk briefly to her class about the Constitution. "They all seem to understand the Declaration of Independence," she said. "That's when we became a free nation and independent from England. But the Constitution is puzzling to them."

So I decided I'd start out rather gingerly and ask, "What is our Constitution?" Hands began waving and one little girl said, "The Constitution is some important rules that give us good government."

I thought that was pretty perceptive for a 4th grader. Then a little boy sitting near her, with the devil in his eye, piped up, "Yeah, it's too bad it doesn't work here in New Orleans."

Here you have it, I realized, an idealist and a realist sitting side by side. The little girl thought of the Constitution as a body of rather abstract rules. The little boy worried about how it worked — whether or not this particular document actually functioned, and whether the rules made any difference so far as our society was concerned.

Charlotte Anderson .... Many exciting examples exist, especially at the elementary school level. However, when thinking about potential television programs to reach a huge audience of children, we need to be aware of a strong tendency in the schools to teach constitutional principles just with slogans. These principles need to be applied, and children have to develop a competency to apply them. Free speech in application means controversy and conflict; kids need to know that's OK and probably inevitable. They need to have self-confidence both to defend their own positions and to give others the same opportunity.

In an early 1970s study, students who said they supported constitutional slogans and principles reverted to discriminatory behavior and intolerance when they disagreed in actual situations. Why? Because they didn't have the mediating skills and the self-esteem to carry through the constitutional ideas they said they believed in.

We know that children — and adults — tend in general to view the law negatively. It's seen often as either something to obey unquestioningly or to defy indiscriminately. This is what LRE programs try to address. They try to help children move from perceiving the law as restrictive, punitive and beyond their control to perceiving it as promotive, facilitative, comprehensible. And similarly, to move from perceiving people as powerless before the law and other socio-civic institutions to perceiving people as having the potential to control and contribute to the social order.

In other words, we want children to look at the Constitution as something people made and something people maintain. Or, that originally we made an intense investment in the Constitution, and now we are responsible for its upkeep.

In promoting this, it's difficult but I think essential to tread a narrow line between cultivating patriotism while not cultivating enthnocentrism. Even the best-intentioned teachers and curriculum developers — and perhaps television producers — tend to be somewhat ethnocentric when they talk about the principles on which the U.S. was founded.

We Americans are justifiably proud of our historical institutions and the Constitution which underlies them. We rightly want to engender this pride in our children. However, too often I'm afraid that we convey the sense that we, the people of the United States, have exclusive claim to these principles. President Carter alluded to this national predilection in his farewell address when he said that Americans did not invent human rights. In a very real sense it is the other way around; human rights invented America.

What can teachers do to help children relate to the Constitution?

Suzanne Maxey . . . .
Social Studies Teacher, Bladensburgh (Maryland) High School

The Constitution as a whole is tough to teach because it's not inherently interesting to kids. You've got to work so hard to bring it to life. I'm very enthusiastic; I do a little skit with the Constitutional Convention where I play six different parts from George Washington to Ben Franklin, who is 80 years old at the time. The kids think I'm crazy, but they pay attention.

A lot of activities which might help put some reality into the subject turn out to involve only a few students. We have in our county a wonderful program in which kids go with teachers to see the courts, the county prison, all over the place. Only about 24 out of over 400 actually participated. We don't do enough with *all* the kids; we take the top 2%, the gifted children, and we bring them everywhere. I think too many programs only look at the bright kids, not the average student who may want desperately to learn about these things. Lack of funding makes it impossible to do it with everyone.

Paul Murphy . . . . We have to decide what it is that we want children to know. Do we want to teach them that the Constitution is a body of high-minded abstract principles which define our country and its general character? Or do we want to teach them that it is a working document which can be used in concrete ways to solve problems?

Do we want to talk to them about the fact that the Constitution itself seems to have some sort of protective powers which guarantee us democracy and good government? Or do we want them to believe that the Constitution is an instrument of challenge — to get them involved in public life? That it means hard work, participation? That if we are to preserve the values we now have, they must live up to certain obligations.

That's pretty heavy for elementary children but I'd like to think it's not too heavy for junior high and high school students.

We have to make clear what there is in this ongoing, changing, viable Constitution that kids of today can identify with. I think it's very difficult, for small children especially, to look at pictures of George Washington and James Madison wandering around in odd costumes in an agrarian society and understand what was going on. What will convey to them that Americans of that time had just gone through a very bad experience with the British and were fearful of and hostile to the idea of a strong central government?

How can children make connections between that period and the contemporary world they see on TV or when they go out the door? How could a document produced by those simple people for a totally different set of problems be viable today?

But it's critical to teach just that idea — the process by which the Constitution is adaptable and can deal with today's issues.

The concept of teaching adaptation and change fights against a serious set of obstacles. Perhaps a way to approach it is to ask, "What *does* change the Constitution?" The answer is many things. Wars change it, depressions. Periods in which there have been extreme abuses of power in one or another branch of government lead people to react by trying to change the Constitution.

I think teachers can get across the idea that when national circumstances change, public needs and demands change. It's perfectly logical that people will get together in different generations and make adaptations to be sure that the Constitution can accommodate those changes and continue to deliver the same sorts of values the founding fathers originally had in mind.

Robert Peck . . . .
Staff Director, Commission on Public Understanding About the Law, American Bar Association

The real issue is that the Constitution is a way of making policy choices. The Constitution embodies the choices the founding fathers made and that we constantly have to make again and again.

We should make these choices on the basis of a body of experience — our history. We should not make them on the basis of what seems expedient today. That's where the dangers to the Constitution arise, as Tony Lewis warned. And this is one idea that schools do not fully address. You have to look at all the kinds of changes that have occurred in relation to the Constitution because of changes in public attitude — changes which affect the way the justices make interpretations as well as the way the Congress develops legislation.

Another thing that schools neglect is that the Constitution is a document that established the government. When we look at it and at what the founders were trying to establish without a Bill of Rights, we realize that they were trying to secure those individual liberties by structure, by process.

That process is every bit as important as all the individual instances of rights being vindicated in particular cases. That process has to be shown through the sweep of history which is as fascinating as any one event you could dramatize. To really educate people about the Constitution, you've got to do more than just look at landmark cases; you've got to examine the whole political and social environment that was created by the Constitution and the culture that the Constitution helped create in our people.

Suzanne Maxey . . . .

One more point on how we are beginning to improve teaching about the Constitution. We now require students to pass four basic functional skill tests: one in reading, one in writing, one in math, and now this year for the first time, one in citizenship. Every student must pass this test in order to graduate from high school.

This is making teachers as well as students more interested in what happens in these citizenship classes. As 12th graders, students need to know how many branches of government there are, what we mean by inalienable rights and how the separation of powers and the system of checks and balances works.

What the Public Knows — and Doesn't Know — About the Constitution

Is it true that people in this country are, in general, poorly informed about their constitutional rights and about the U.S. system of government?

Louise Latty .... A recent survey indicated that 50% of Americans believe that a person who is accused of a crime is required to prove his or her innocence. The study also found that out of almost 1000 people questioned, nearly half thought that under the Constitution, district attorneys represent defendants who are unable to afford lawyers.

Gara La Marche .... Beyond this, it was recently reported that a significant number of Americans believe that the Constitution puts the power of declaring war in the hands of the President.
Associate Director, New York Civil Liberties Union (currently Executive Director, Texas Civil Liberties Union)

There is an enormous information gap about the Constitution which is very, very troubling. It's illustrated by a finding that a majority of responders in another study believe there ought to be a federal board of censors which determines what does and does not go on network television.

This kind of opinion would, I think, make most people here shudder. There has got to be some way to utilize the enormous power of the media to communicate basic information about the rights of citizens in this country and what the Constitution does for them.

Robert Peck .... Here's another statistic which shows the magnitude of the problem: 77% of adults in a major survey could not identify the First Amendment. . . . the part of the Constitution that is most often discussed and publicized.

Recognition of this widespread degree of ignorance underscores the impact television can have in using the Bicentennial to bring the Constitution into clearer focus for Americans of all ages.

The plain fact is that it's not just students or citizens who don't understand the Constitution. An awful lot of judges and journalists don't understand it either.

Fred Friendly .... I carry a copy of the Constitution of the United States in my left pocket and one in my right pocket and I give them to anyone who will take them. I recently handed copies out to all 350 students at the Columbia Law School where I teach, with the warning: "After you pass your law boards and you swear to uphold the principles of the Constitution, remember that you have to understand it."
Media and Society Seminars, School of Journalism, Columbia University

Now we all know that the Constitution is a remarkable document. But I'm most interested in it as a great teaching tool to make people think — people at the Columbia School of Journalism where I work, or in a 5th grade classroom where my wife teaches, or in a law school, or in judges' chambers or on television. We want our TV series [*The Constitution: That Delicate Balance*] to provide good triggers to make not only students, but the American people think about the Constitution.

In my opinion it would be a tragedy and a travesty if we celebrated its 200th birthday with fireworks and pageants and marching bands and nobody paid attention to what it means.

Are there signs that people — kids included — think that the Constitution is important to them personally?

Arthur H. White . . . .
Vice Chairman, Yankelovich, Skelly, and White (currently President of Consulting, The Daniel Yankelovich Group)

While we haven't done any specific studies on children's attitudes toward the Constitution and its guarantees, I do have a number of beliefs that I think our work supports — as well as a bit of relevant experience.

First the beliefs. One is that adults in America are more interested in and more supportive of constitutional guarantees in the 1980s than they have been in some of our recent history, at least in the period in which we've been measuring their attitudes. In part, we think this is due to President Reagan's interest in this area and his very vigorous presentation of his beliefs. Even though only one out of four people agrees with his priorities and ideological interpretations, he has stimulated interest in the Constitution and reaction to it.

Another reason for interest is that America is sorting out what it really does believe and wants to hold on to — such as the new role of women — as opposed to what it wants to give up. The preoccupation with self of the 1960s and 1970s has apparently left people feeling a little lonely. Now, recognizing the need for community, they seek things like the Constitution that provide cohesion, common goals, common philosophy — something to come together about.

A second belief is that adults who hold these concerns and views will share them with their children. Our studies in the 1960s showed the difficulties families had in communicating. Some of the lessons learned from that period now prompt us to share the feelings we have concerning common ideals. One such ideal is the Constitution and what it stands for.

Thirdly, there is clearly very strong support among adults for some of the Constitutional guarantees: for example, equal opportunity. We find ourselves constantly having to make clear that the American people are still supportive of equal opportunity — not just affirmative action (a whole story in itself), but the ideas developed in the 1960s and 1970s relating to Constitutional rights and all that they mean.

Equal opportunity happens to be one of the most visible guarantees. It's a lot more understandable to children than the more abstract rights of free speech or assembly. Equal opportunity is important for immigrant children who are unusually interested in Constitutional guarantees. Some of the work we've done in the area of Hispanic interests confirms this.

Alvin F. Poussaint, M.D. .... As a psychiatrist who works with children, the more I thought about this topic, the more I realized that children do understand a lot about the Constitution. But they just don't know it as that. Actually, the Constitution infuses many values into our society which reach kids in one way or another: what we teach at home, what we teach in school, the way we govern, our concepts of fairness are all embodied in the Constitution.

I remember when I was a kid and parents asked you to do something you didn't want to do, you'd say, "I don't *have* to do it; this is a free country, right?" Now where did we get that concept? We had it somewhat distorted, but it came from the Constitution.

Today youngsters are a bit more sophisticated. In a park in Boston I recently saw a 7-year-old in a swing. Her mother was screaming at her to get out of the swing because it was time to go home. The girl began defying her mother who went over and looked at her somewhat menacingly. The little girl looked up and said, "If you touch me, I'm going to get you for child abuse!"

Children pick up a lot about the law and how the system works, particularly through television. So I think that TV offers all kinds of ways to teach constitutional concepts, especially about law and order. Half the shows on TV have to do with cops and robbers. Kids at age 2 and 3 know what a jail is; they know that people go to jail for doing something or other — they're not always clear what — and they separate the good guys from the bad guys. They are bombarded with this kind of thing, but I don't think television programming focuses on what it all means. There's no interpretation to help children register anything of significance.

But there are plenty of opportunities to do so. For instance, during the 1984 primary season, children knew that there was an election going on and that people were running for office. Nearly every black child knew that Reverend Jesse Jackson was a candidate. In that period, there was a great chance to educate them about the Constitution, the electoral process, and how our government actually works.

As you know, many people in this society, particularly blacks, have an ambivalent relationship with the Constitution. And I think that will continue to be transmitted to youngsters, especially minority youngsters. They'll feel that the Constitution doesn't guarantee their rights the way it guarantees other people's rights. I think that the question of fairness, which is fundamental to the whole theory of the Constitution, is something that children are very aware of.

The concept of fairness starts very early and is a good way to get across the idea of constitutional principles and laws that apply to everyone. But children's notions of law differ, depending on their class or racial backgrounds. This comes up on something like an IQ test where kids have to answer the question: "What does a police officer do?" You'll get very different answers to that question according to which kid you talk to. A middle class child might say, "The police officer's job is to protect you and help you across the street." But a kid in the inner city says, "A police officer beats you and puts you in jail." In that child's mind is a very different concept of law and constitutional principles than the one held by the middle class child.

Many poor youngsters see that the Constitution works differently for the rich than it does for the poor. Of course, we don't want it to, but in actuality there are noticeable class differences affecting redress of grievances, access to legal counsel, etc. A lot of children may really feel unsafe in relation to the law, afraid of it and defiant to it, because they see it as a punitive, restrictive force.

I'd like to suggest something else that I think may stand in the way of our teaching children what democracy and the Constitution mean to us. A great number of children's books feature kings and queens and princes and princesses. You can barely find children's literature that doesn't emphasize the concept of royalty and its powers. I believe this is confusing to children who need to understand more about the American system. These books all express the fairy tale idea that if you're lucky enough to become a king or queen, you'll have absolute power over your subjects.

Perhaps one way TV programs could address this theme is to call attention to the differences between life under kings and queens and life under the U.S. Constitution. That would be a direct line to what kids are exposed to in the books they read.

I also want to stress that it's very important for children to practice and participate in forms of government, to get involved in voting on issues and living by rules, even as kindergarten pupils. In educational activities designed for every age group, there are opportunities to inject strong messages about how the American government actually works: that you take the responsibility of voting; that you don't ram your ideas down anyone's throat; that you accept it when you lose a vote. Children as young as nursery school level can learn this.

I think TV programming about the Constitution is a very exciting prospect. People who are going to do it should talk to children — particularly children who have been shut out, black and other minority kids — about the flaws in the ways they think the Constitution operates.

You have to help them see that it doesn't always operate fairly, that it represents an ideal the country strives to achieve, and that there has been great progress. But discuss it realistically, and explore where they fit in and what they can do to make it be better.

Finally, I think poor people in this country, and others as well, do not understand what their rights are. We have to teach children what the law is and how they can use the Constitution. To protect their own individual rights and freedom, they have to know what they can demand from the system — and what they can expect.

Part 2
Media Opportunities

Approaching the Material

A special mix of ingredients is needed to make constitutional programming attractive to young audiences. What elements are most important?

Benno Schmidt . . . . Making the Constitution appealing and comprehensible to children is not really an invitation to think down, but rather to think deeply. Communicate the simplest fundamentals in a language, visual or otherwise, that is concrete and gripping, not abstract and not vague.

Try to think about the Constitution the way a child would think about it.

David McCullough . . . .
Author; Host of "Smithsonian World"

By showing real people who have made history and letting them tell their own story in their own voice and their own words, something emotional can happen on television that cannot happen on the printed page. We can all get the facts in any almanac or encyclopedia, but we have to *feel* what is being presented — that is the key, that the time was as real as our own.

Always remember that the past is someone else's present.

We are all of us, each of us, natural historians. We tell stories, gossip, relate family background, our experiences of the day — that's history. It's one of the great shames that our educational system has killed this quality in us — in part because history is often taught or written by people who don't have much interest in people.

Among the chief problems with showing history through television is that the academic community, the scholars of the country, have divorced themselves almost completely, with abiding determination, from the popular culture. This is a great tragedy. They write almost exclusively for themselves. They consider that it can be detrimental to their careers if they step over the line and become popular. Their system seems not to reward popularity and has a kind of built-in attitude that if what you have to say is important, it has to be boring.

Another problem with what's done on the printed page and on TV is that it's hard to know what to leave out. The central issue is compression, condensation. Compared to print, there's so little time on television to say what you want to.

You have to trust your material, that's essential. You should not approach the telling of any event or describing any person or personality of the past with the intention of dressing things up to make them acceptable.

The viewer, the reader, instinctively feels whether you the writer, the performer or the editor care about what you're talking about, whether you really are embracing the subject, know what you're saying, know it well enough to know what to leave out and have the courtesy not to be boring.

The subjects we all look back on, the subjects we liked best in school and did best in, were the subjects taught by the teachers we liked best. Everything is interesting; it all depends on who is telling us about it.

I feel that the future possibilities and opportunities in television for history are enormous. They are beyond imagining. One of the things TV affords is the chance to go out and interview people. That's a major contribution to history, supplying history with a new medium, not just drawing from history to create our medium. Once the academic and professional historians begin to realize this can happen, television will have a better name in that community.

Squire Rushnell . . . .
Vice President for Long Range Planning and Children's Television, ABC Entertainment

The challenge for us in the industry is getting children to come voluntarily to the television set. Nobody's *got* to watch television. A child is the quickest and most decisive viewer of all in turning the TV off if he or she perceives that a program is going to be boring. And we also know that if a show begins to look like school, we've lost the child audience.

So, to make something of the Bicentennial, we have to show what's terrific about the Constitution. Programs need the elements a good Ernie Kinoy script has. And even with these, they have to focus on characters — on people.

Someone sitting down to read "Gone With The Wind" is reading about Rhett Butler, not just about the Civil War. The characters who figure in and around the development of the U.S. Constitution are the making of really exciting drama. And some of us are going to have to overcome the prejudice that putting people in costumes makes a story less interesting.

Recently I talked about history with a bunch of teenage kids. I said, I want to tell you a story. . . . I wonder if you've ever heard it before. In 1776, everybody got together in Philadelphia to sign the Declaration of Independence. The whole world knows that. Two guys who were there were really fascinating: one fellow, John Adams, was considered very obnoxious and belligerent; a young man who came from Virginia, Thomas Jefferson, was considered more mild-mannered. Yet those two worked together and were tremendously important in convincing all of the others that they ought to sign this document. They were significant not only because of this but because they each became President of the United States.

Adams and Jefferson were totally committed to what they were doing that day in Philadelphia — a commitment that lasted for the rest of their lives. In the spring of 1826, when they were old men, Jefferson was in Monticello, dying, and Adams was in Quincy, Massachusetts, also dying. Quite independently of each other, they both said they were not going to die a day sooner or a day later than July 4, 1826, the exact fiftieth anniversary of the signing of the Declaration of Independence. And you know what, they both died on that day.

As I told that story, my feeling was that I was communicating something special about two human beings to those kids. All of a sudden, they were sucked into American history through these guys who turned out to be heroes. This anecdote with a human dimension made history attractive and easily understood. We should accept the challenge of communicating more ideas like this during this important period of time.

Michael Fuchs . . . . I was a lawyer and went to law school, but I can hardly remember my constitutional law. So until now it has not been, at least in my mind, a great programming priority to think of ways to explain the Constitution.
President, Home Box Office

Squire indicated that there's not much of a script in the Constitution per se. But I once heard a record that was a transcript of what went on in the Constitutional Convention. When you consider the cast of characters in that room, and what was taking place — it was 100 degrees outside, the room was loaded with flies, everyone was sweating. We've never had an accumulation of minds like those in our government since. From what I can remember, I think there's a hell of a script there.

Daniel Wilson . . . . The Constitution is a document that each of us lives by every day. If we didn't have it, everybody in this room, and outside this room, and in this country, and perhaps in other countries, would suffer greatly. What we as communicators must do is make the document live. The best way to do that is to relate it to contemporary issues and values.
President, Daniel Wilson Productions

When you set out to do something "substantive" on TV, there's always the fear: Will the youngsters watch? Will families watch? I firmly believe that we are in the entertainment business. We have to maximize the audience and reach as many people as we possibly can. To do so, we have to make our programs entertaining, whatever themes or ideas underlie them. We have to turn children and their parents on to *want* to watch a program about constitutional issues.

Yet, if we say we're going to do a special on the Constitution, we know nobody's going to watch it. However, there is another approach. Here's a good example.

Years ago we did a program that dealt with a constitutional issue. It was called "Rookie of the Year" and it was about a little girl who couldn't get into the Little League because she was a girl. We though, hey, this is a wonderful dramatic incident. Let's do it as a drama and let the audience in on the pertinent facts. Some months after the program was aired, the issue did go to the New Jersey Supreme Court — as a landmark case that changed everything.

It's our responsibility in television to try to make these issues come alive — just as Ernest Kinoy did in "Skokie." That was one of the most brilliant screenplays I have ever seen — a very, very good prime time TV drama that dealt with one of the most significant constitutional issues of our time.

Let me tell you briefly of an experience I had several years ago. In conjunction with German television, I produced a 5-hour miniseries called "Blood and Honor: Youth Under Hitler." It dealt with the rise of the Hitler youth movement from 1933 to 1939. A major factor that led German TV to make the film was that they felt the current generation of children was totally unaware of what went on during that period, not because it wasn't taught in the schools — it is taught — but because it didn't live for them.

One of the most impressive things about the research we did was the discovery that Germany in that era was a country that had no constitution, a country in which there was no semblance of law. It became very clear how important our own Constitution is and how we should all treasure it. I think we have to make it come alive on network television, on educational television, on cable as well. I don't think we can do enough of it.

Phyllis Tucker Vinson ....
Vice President for Children's Programming, NBC Entertainment

Broadcasters have to be realistic. For me it's not important to pat myself on the back and say "We've provided a terrific special and kids learned about the Constitution." It's more important to say we presented a theme that kids chose voluntarily to watch.

That's one of the main issues in commercial television. Kids watch TV to relax. If they think they're going to be educated, they switch programs or turn off the set. A lot of writers and creative people in the TV community are interested in conveying positive messages to kids; network executives are open to conveying them too, if they are packaged in a commercially viable, dramatic, story-telling format. That format works best for kids.

It's very helpful for writers who don't carry the Constitution around in their pocket to hear about what the most important issues are, what information about the Constitution kids should have. Then they can come up with the creative ideas.

Gara La Marche .... As a non-broadcaster, I don't get much chance to talk to you folks. But I think you'd be interested in this little anecdote about the power of television.

I was in Austin, Texas recently, meeting with a woman who is a lawyer specializing in child custody law suits. She had just won a case for a father because he knew, and the mother didn't know, what time the Smurfs aired on Saturday morning. That was judged to be such an important piece of information that the father who knew it was awarded custody rather that the mother. I, too, know when the Smurfs are on because I watch with my four-year-old kid.

I gather it's dwindling, but insofar as there is specialized programming for children my daughter's age, it would be good if there were programs aimed at communicating to this age group some of the basic values that underlie the Bill of Rights. The Bill of Rights is to me the embodiment in our time of a certain set of values that transcend the document itself.

I think these values should be built into programming. How I don't know. Maybe you could have the Smurfs act out some kind of situation in which freedom of speech or assembly or the principle of equality were at stake. I urge you all to give this kind of thing some thought. It's very important.

Dighton Spooner .... I agree that people in broadcasting should look at the existing vehicles and think about ways we can weave in concepts and ideas that relate to the subject. Instead of trying to develop a new program and then trying to get kids to watch it, why not take a program that already has kids watching it and include something in that show's format that deals with constitutional issues?
Producer, WGBH, Boston

Or build on kids' interests. Kids like games with a structure. They like game rules. The Constitution provides a structure for approaching problems. All this could be combined in television programs for kids that have a game element — that require them to think in certain ways and to apply different concepts and ideas relating to the Constitution.

I also think that it's important to have kids on these programs. Kids like to see other kids. They like to watch children doing things.

Richard C. Block .... In thinking about dramatizing the Constitution for children, I suspect that learning won't be accomplished to any significant extent unless great care is taken to explain its function in the context of the federal government and its relationship to the states, countries, cities and towns, many of which have their own instruments of government,
Executive Vice President, Metromedia Television

often called constitutions.

I also hope that the educational approach used fosters a tolerance for diversity and the imperfections of the human condition.

We'll have to supply the kind of attention and resources to projects that will help to produce future citizens who will treasure the unique freedoms guaranteed by the Constitution and be willing to work for its survival.

Stephen Janger . . . .
President, Close Up Foundation

We're a large organization that offers experiential education for citizenship. I spend about 200 nights a year with teachers all over the country and we bring almost 25,000 students to Washington a year — including Hispanics and other minorities and older Americans. We deal with a huge cross section of people, from kids who know what H.R. 287 is to kids who can't spell the word "government."

We know what it's like to develop programs for such a *potpourri* of children; you have to find a curriculum that will please everybody.

If there's one mission our organization has, it's to teach the values our children need to live in this country. I'm more worried about 1988, 1989 and 1990 than I am about 1987, the year of the Bicentennial.

You in the networks have so many capabilities we will never have. You can do so many things we can't.

I'm a fan of Ted Koppel's and I watched him do a recreation of VE Day. His pitch was if we had all the equipment then that we have now, here's what VE Day might have been like. If Ted Koppel would do the same kind of thing at 8 o'clock in the evening on the First Amendment or on Benjamin Franklin, you'd be amazed at the kind of effect it could have.

More values can probably be taught on television than any other way, because that's how young people are learning today. I can see it in my own home where it was hard to pull my son away from the Smurfs and the Jetsons on Saturday morning to study for his Bar Mitzvah. What an incredible audience you have on Saturday mornings. Think of what you might do with it.

Commitment and Constraints: Industry Perspectives

The Constitutional Bicentennial presents an important media challenge. What's going to work for and against getting appropriate children's programming on the air as part of the national celebration?

Fred Friendly .... More than almost anyone else, broadcasters have a stake in the Constitution. It's what makes communications in this country the freest in the world.

George Dessart ....
Vice President, CBS/Broadcast Group

I want to say that a signal service has been performed by ACT in bringing us all together. In our business we spend so much time saying to each other, "My God, if only I'd known that today was Thursday!" On any given Thursday, we're always in the midst of some crisis or other. The opportunity to look ahead, to talk and focus attention on these topics is very important.

Ernest Kinoy ....
Writer

We've all spoken glowingly and with enthusiasm of the opportunity for television to reach children on all these important constitutional issues.

This leads me to quote not the Founding Fathers, but Shakespeare. In "Henry IV," there's a scene where Owen Glendower says boastfully, "I can call spirits from the vasty deep." And Hotspur answers, "Why so can I, or so can any man; but will they come when you do call for them?"

I think the consensus here is correct in calling for American television to use its enormous resources to teach the historical ideas we're all talking about. The major issue is not just choosing how to present them; that's no problem. Any of the ideas that have been raised today are really no dramatic problem whatsoever.

The obstacle is those who decide what is to go on television. At some point one has to confront those who have the real decision-making power over what is going to be done for children — and adults — on TV. And will they respond?

Lawrence P. Fraiberg ....
President, Television Station Group, Westinghouse Broadcasting & Cable (currently President, MCA Broadcast Operations)

If we want programming to enlighten and inform people about the Constitution, to deal with values and ethics for children and adults, we have to plan on more than a single program or one special. Some short-form programming can be effective; we can do 30-to-120-second programs called "statements." But for children particularly, I don't think we should try to schedule programs against network entertainment shows, animated or otherwise, which draw big audiences.

We can't dictate what children watch. Maybe parents can, but broadcasters can't. But we can incorporate issues into dramatic series we know are popular.

Under the guidance of Don McGannon and George Moynihan, Westinghouse has had a philosophy and a tradition of doing positive programming. We're not going to just wait until 1987. The Constitution is an ongoing challenge. These are problems that should be attacked and we welcome stimulating ideas.

Pat Servodidio .... If we want to inform the public about the Constitution, we should think about how people use television. And that gets right into using commercials as models. If you want to focus on how many people you can reach, and can you reach them with a message they'll retain, I'd really go in that direction. I think that's what we are trying to do with programs about the Constitution. We can learn a lot from how commercials do it.

President, Television, RKO General

Another thing that should be realized is that television is such a diverse medium that it's difficult to direct it and target it effectively. I happen to represent stations that, except for one, don't reach a large kids' audience. You need very specific scheduling to reach broad audiences.

I think we also have to address the problem on a local level. I refer to that as two-way television, where you enlighten your own management at your station, and then bring in the community. That two-way interaction is what's going to make a programming effort interesting and help it survive.

Ernest Kinoy ....One of the problems is that most of us who might approach a station or a network are in another world from the executives who make the decisions as to what program will be developed and what program will finally be made. It's a curious thing in television that there are marvelous men and women of conscience and taste and intelligence who are in high-level positions. Every once in a while, they have a feeling they've developed the type of program we're talking about. They like to think it's not going to be something else that happens. But sometimes it *is* something else.

Squire Rushnell .... I don't disagree that many of my colleagues suffer from myopia. Some certainly have myopic views. If I had a terrific idea, the last place I'd go, quite frankly, would be to the Movie of the Week department.

Raymond J. Timothy.......... If I typify those myopic network executives, then this at least is what I look like. I'm here because of the work I do and I'm also a lawyer and a parent of three teenage boys. By heritage, I also belong here. All of my grandparents came to the U.S., not only to earn enough to eat, but because of the circumstances in their native country where they were excluded from the electoral process and allowed neither to learn to read or write English, nor to seek or hold elective office. So the Constitution is to me a very, very important thing.

Group Executive Vice President, NBC

I was asked to comment on the use of network power to educate. That's a pretty intimidating topic. I think we have to talk about some of the limits there are on network power — to educate or do anything else.

First of all, we're limited by our affiliates. We don't simply put programs out on the airwaves into your home; each of our 206 affiliates has to decide that what we offer is in the public interest and is convenient and appropriate for the people in that affiliate's licensed viewing area. That's a real limit.

We're also limited in our power to educate by the fact that we are a one-way medium, and the educators here will tell you that education is a two-way process. We're limited too by our sense of responsibility. I wouldn't presume to know what it is that we are supposed to tell everybody, or how to present it, or anything else. That approach is used by network television systems in totalitarian countries as opposed to constitutional republics like ours.

Our power is very fragile in that it rests on our ability to attract audiences to their television sets. Viewers can click their sets off very quickly.

But we are indeed powerful because we are pervasive. We can reach just about every American simultaneously if our program is interesting enough and cleared by all the TV stations. We are also intrusive in that we are right in your home, so you can't ignore us. And God knows we are persuasive because we can sell products better than anyone else.

To get at what we might do in 1987 to educate and highlight the 200th birthday of the Constitution, we have to focus on program planning. We've got an opportunity to plan programs that fit into normal kiddie programming blocks on Saturday morning, and in prime time where a lot of kids are viewing, and in public service spots as well. We've had public service campaigns in this general area, like "Get Out the Vote," and one aimed at kids called "Don't Be a Dope" against drug use.

We can do the same kind of thing to let people know about the importance of the Constitution, but we've got to be very careful how we do it. Once it sounds like a civics lesson, we can hear the sets clicking off. We've got to sugar-coat the pill, but with enough planning time, we can figure out ways and means to do it.

Ernest Kinoy .... I've observed that lots of kids don't necessarily need special programming for children. Ten, eleven and twelve-year-olds are watching the adult schedule: "The A-Team," "Cagney and Lacey," all the action/adventure shows. The impact of that entire commercial schedule on kids is tremendous.

I note a trend in the programming departments of the three networks to back away from dramatic material which deals with the kinds of issues which might explicate the Constitution to general audiences. They're doing that in programs for adults, and because kids watch the same ones, in programs that reach children.

I perceive what seems to be a loss of interest in this kind of subject matter. If we can find a way to get back to what the industry was putting on a few years ago, I think it would go a long way towards fulfilling the obligation of television to provide dramatic entertainment for children and their parents at the same time.

George Dessart .... I'd agree with Larry Fraiberg that it's not a question of a special broadcast or a special series, but the entire schedule. I would also submit that I don't see the backing away from these issues that Ernest Kinoy sees, although I can understand that as one particular broadcast may leave the air, or until another series comes on, the commitment may not be apparent. The emerging made-for-television movies, for example, are increasingly dealing on a very sophisticated level with a number of these themes, and I expect that this will continue to occur over the next several years.

I'm struck by a line that George Washington as president of the Constitutional Convention said at one point when the Constitution had been drafted: "It was an astonishing victory of enlightenment over brute force." I think that that sense of astonishment and wonder certainly illuminates the tapes that Fred Friendly and his colleagues have developed in "A Delicate Balance," and may illuminate this kind of programming and subject matter as it begins to pervade the schedule.

Joanne Brokaw ....
Vice President, Educational and Community Services, CBS/Broadcast Group

I just want to make a fast semantic point. Even though it's the primary focus of this meeting, we tend too often, I think, to talk about children's television. It's more productive to think about children *and* television.

Children don't just use and watch programming designed specifically for them. And it's probably unrealistic to expect that a lot of specifically designed-for-children programming around the Constitution will arise. But it's not unrealistic to expect that there will be a lot of programming on television that will address the Constitution in one way or another and there are ways of making that available to children.

Peggy Charren ....
President, Action for Children's Television

We at ACT assume there is going to be some terrific programming for adults coming out of the Constitutional Bicentennial. But most of these shows will not be attractive to children.

Is there any chance that this time the industry is going to think first of children — even adolescents — and pull the adults along, instead of doing it the old way around?

Charles Keller .... We'd all profit if we talked about how we can bring the expertise and the tools at our disposal to bear on exposing this very important document to as many people as possible at all ages.

Vice President, Capital Cities Communications

Lou Reda and Capital Cities have for two years been developing a mini-series on the Constitutional Convention and the events immediately preceding it. We've been encouraged that at least two networks may continue to develop it and have asked us to bring it to them when we have the pilot finished. Henry Steele Commanger and Richard Morris have been our advisors and they have encouraged us all the way.

We think our film has some potential. Nobody came and rapped our knuckles to get it done. We did it because we thought it was important — for the same reasons that many of the other broadcasters and cable operators here have done things in the past. And frankly, I think that's the idea and the initiative that works for most of us. To hear today from experts and have our consciousness raised by people who really know the Constitution reminds us that we have a very fruitful opportunity here.

Lawrence P. Fraiberg .... One of the things that isn't happening with the networks that could be happening is better coordination. For example, when the networks are planning to do programming of any special nature for children or adults, shows of an unusual quality or direction, we should have early planning so that the affiliates of each network can complement what the network is doing.

Michael Fuchs .... I'm new to children's television, but I don't think there's any controversy about the value of programs on the Constitution. It's just intelligent, relevant programming, and we're taking a look at it.

I have to admit I've made a career out of attacking the networks. When the networks say, "Well, it's got to be commercial, or it's got to have great characters," it's a terrific cop-out. I think there's an obligation to put some of these things on the air. Even if they aren't particularly commercial, we have to make room on the airways. To view children's programming as basically Saturday morning merchandising is something that really astounds me.

HBO is a different animal. Children's television doesn't sell subscriptions, I can tell you that. But I find that we are pretty heavily invested in children's programming. We don't even need children's programming. I'd sell as many subscriptions on HBO without it. But it just seems to find its way onto the schedule.

Trying to get this type of program on commercial television may be a waste of time and effort. Somehow you have to look to cable, where it's already happening. There's much better children's programming on cable. Take a look at Nickelodeon, at HBO, and at some of the others. There seems to be a conscience there.

I think you can pressure your local broadcasters more than you can pressure commercial networks. The networks are the greatest offensive boxers in the world when it comes to this issue. There seems to be no shame or conscience. You have to give up on the networks when it comes to children's programming.

Peggy Charren .... There *is* a way to get broadcast television to serve children and adults. We must make every station live up to the principles of the Communication Act. The important thing is to remind the lawmakers that under the Communication Act, broadcasters have a contractual obligation to serve the public.

However, I'm encouraged by this discussion because Pat Servodidio whispered that RKO General was "going to do something." Do any other broadcasters have any specific plans in this area? Without revealing some secret project that may be in the works, is anyone prepared to go back and ask for a budget to produce some programming?

Ruth Pollak ....
Vice President, EFC Film & Video Production

My organization, EFC, at one time stood for Education Film Center. When we started moving out of the so-called "education world" and into the commercial market, we were told two things immediately. Change the word "education" to "entertainment." And if you want to succeed, don't program primarily for children; it's certain death.

Did I hear someone say that ABC has made money from the "Afterschool Specials?" If that's so, then maybe there's hope that the networks can see that there are profits to be made by investing in the children's market.

From the bottom to the top of the networks, the incentive to do children's programming is now negative, negative, negative. It's a terrific battle everywhere, including the Writer's Guild where rates are lower by about 40% for writing children's scripts [because they are not aired during prime time]. Nevertheless, it's an exciting battle for those of us who are in it.

I'd like to see a turnaround, some kind of commitment to the idea that the children's resource will pay off. Put some money into scripts, into scheduling so there's regular programming on for kids in the afternoons. Promote it heavily to create an audience. Parents are very conscientious today. There's a huge number of parents who want the best programming for their children.

Squire Rushnell .... I've got to tell you that it took the ABC "Afterschool Specials" eight years to break even. And the reason we did them was not to make money: we did them out of a sense of commitment and out of an overall realization that we had to. There are a lot of things in the children's area and in other day parts that we do that don't make money, and we do them anyway.

My feeling is in the final analysis that if you are doing terrific programming, if you hang in there, it will pay its own way. "Good Morning America" lost money for five years before it made anything, and now it's a very good profit center.

If you do good programming and if you keep striving to expand the amount of good programming you're doing, as long as you bring an audience to it, it can buy its own way.

Ruth Pollak .... But you need incentives to do that, and you need incentives for people to write wonderful scripts, and to get wonderful producers involved. The financial incentives now are very, very low.

I honestly believe that we can work together to find a way to put up some money, create some incentives, send out some really positive messages about doing substantive programming. Then we can start worrying about the Constitution. We can come up with all the constitutional dreams in the world, but if there isn't any real commitment to children's programming, nothing's going to happen.

Daniel Wilson .... You know, it *is* possible to "do good" — to produce educationally valuable programs — and do business too.

Our company has achieved a certain kind of recognition in the past years in the area of family entertainment, children's programming, or whatever euphemism is used in terms of reaching youngsters and their parents with quality-oriented entertainment. We largely did it through the three networks, in various forms of programming.

William Singer .... I don't think the problem is going to be viewing at a particular hour or that the networks are going to ignore the Constitution. There will be network programming. But if we're going to avoid the Tall Ship syndrome of 1976, the television offerings of 1987 have to be imaginative — at the local as well as the national level. Organizations such as the PTA and libraries and other groups are going to have to express a need and demand for high quality programs.
President, Prime Time School Television

The message is more appropriately directed at local broadcasters than at the networks. The independent stations are network affiliates but they can also do their own thing. And local cable operators have an opportunity to do a lot more programming over a greater period of time.

No matter how valid the "cause" is, you're only going to get one or two or three things out of the networks and PBS. That's fine. But if you really want more lasting impact, it has to be at the local level. That takes some lobbying.

Jeffrey Schiffman . . . . We have to understand that television is not one thing; it's many different things. Television is the Corporation for Public Broadcasting and its mandate and its focus and its menu. Television is what the networks can do and also what local stations can and must do. And given that we're not always such wonderful, generous folks, it's what we're licensed to do.

Program Director, WNEV-TV, Boston

Let's be clear about what networks are. A network is not a regulated thing, it's a program provider. It is under no obligation to do anything it doesn't want to do, and often it doesn't want to do anything. A network doesn't have to do children's programming. It's never been licensed. It's never been part of the famous Communication Act everyone is talking about.

I've never understood the debate over this. Local television operations are supposed to do this kind of programming, supposed to respond to these kinds of ideas. The really good ones and the successful ones understand that right away and always do it. The rest play catch-up.

There's no doubt in my mind that local television stations across the country are going to be responsive to the question at hand here. But, and there may be several buts, there's a peculiar kind of sensitivity, or perhaps insensitivity.

Here's an example. In Boston, which is a very competitive, local programming-oriented city, one station for the last several years has been working on a project called "You Gotta Have Arts." It's an extraordinary project, very successful, highly visible, and clearly and carefully identified as that particular station's merchandise.

At my station, when we sit around and talk about programming that has to do with the arts, we invariably and inevitably say, "That's *their* territory." That doesn't mean we don't do anything that involves arts, but it does mean there's a kind of co-opting going on. I think the danger here is that someone in each city is going to say, "Ah, the Constitution. That's *my* issue, or *their* issue."

Peggy Charren . . . . You're saying that whoever gets there first pre-empts the subject?

Jeffrey Schiffman . . . . In many ways, that's true. And audiences are going to be deprived of diversity in programming, because one group is running with it, and the others are not.

Another example: When I was at CBS we did a project on parenting. Neither NBC nor ABC touched that subject because, in effect, it was only going to help promote another television station.

Despite these problems, I hope people in individual cities with ideas about the Constitution will go to local TV stations which, if they're smart, will back them. That's the way things will get more competitive — and interesting.

Television stations can damned well be pushed around and should be pushed around. We have an obligation, spelled out on a piece of paper, that says we have to provide a certain kind of service. And everybody in the community should know about it.

Let's not forget that with ABC and the "Afterschool Specials," it wasn't until one individual said, "Look, you can make some dough doing good things," and they found out it was true. That's why they've done it over the years. But they didn't *have* to do anything.

Catherine Wyler . . . .
Director, Children's and Cultural Programming, PBS

This might be a strange thing for a public broadcasting programmer to say, but I don't really care where good children's's programs come from as long as they're there. I applaud all the really terrific things the networks are doing.

But I wonder how you perceive us at PBS, and how much of a heat shield we are for you? For instance, if we come up with the funds in 1987 to do a 26-part series on great constitutional landmark decisions, is that going to preclude your responsibility to do something too? Do we take too much of the pressure off of you?

George Dessart . . . . Essentially, I think the role of public television in this country is adjunctive to that of commercial television, and vice versa. You raise a good question. Networks have been accused of contributing to public television for just the reason that you guess at. But we in fact do it because it is in and of itself a good thing to do.

If you come through with a good series on the Constitution, we'll try to add to the momentum and not just make the excuse that the subject has been covered by PBS. You can rely on that.

Jeffrey Schiffman . . . . But beware of the marketplace reality. I don't think that if on a national basis, PBS does what you describe, the networks are going to do any more or any less than they might have. But I do think that if one highly visible station in a given market announces a major campaign about the Constitution and the key part of the campaign focuses around children, it will certainly have some impact on the amount of children's programming other stations will undertake. They won't want their programming to become a promotion for the PBS series.

Peggy Charren .... There's also a problem when one type of program gets a lot of viewers and all the others copy it. What's to prevent everybody who responds to this conference from doing "search and seizure" themes with juvenile delinquents being misused by the police? The violence and cops and jail formula becomes a story line that's all over television. Everything else gets overlooked while everyone does the same thing because it looks profitable.

Squire Rushnell .... The networks do take into consideration what public television is doing, but we don't think that children's television is the responsibilty of PBS exclusively. Nor do we take a look at PBS and decide to do something else. I think it's more that PBS exemplifies what we should be doing.

I'd also like to add to the idea that local stations have found that it's good business to do positive local television. At a recent ABC affiliates meeting, a presentation by the affiliates' board confirmed that good local television, including children's programs, local issues, etc. is very good business. As evidence, they put forth films from 15 different ABC affiliates that were exemplary in their local commitment not only to children but to other audiences. Every single one of those local stations was number one in its market.

Extending the Life of Programs

Programs produced for the Constitutional Bicentennial can lead long productive lives after the first screening. What are the prospects or problems involved in getting to the classroom or home video markets? How can programs be recycled for use with local access cable projects?

Fred Friendly .... I call myself the Willy Loman of the Constitution, criss-crossing the country with these "Delicate Balance" videotapes. I even have an engagement to teach in a prison. I can tell you for a fact that the programs — which cover subjects from school prayer to gun control, from the war powers of the president and executive privilege to campaign spending — make excellent triggers to get people to react and talk about the Constitution as a living entity.

Stephen Janger .... I can also attest to how well video experiences go over in the schoolroom. Last year we did four shows in the White House with a lot of our students and the President of the United States. No one else was allowed to be there, just the President. I've taken the tapes around to about 1000 social studies teachers and they say they created more excitement in their classes than anything else they've ever shown.

Each of the students' questions that the President answered was made into a week's learning exercise; kids in school then researched the aspects of executive power that the President was talking about.

Fred Friendly .... I think many teachers are scared of television, although there's nothing to be scared about. When Gutenberg first invented the book in 15th century Germany, there were teachers who cried, "We don't want any books to be printed. It will get in the way of teachers!" But look at the history of book publishing. Books are today the greatest helpmeet teachers have.

A lot of teachers resist new things. Yet some do understand that television is an indispensable teaching tool, and to disregard it is to fly in the face of history, to flout a miracle. Ten years ago it was difficult to play a tape in a classroom because it was on 16- or 35-mm film; you had to pull down the shade, turn off all the lights. Film had lots of disadvantages and it was expensive: five cents a foot. Now you can put any one of the programs that we or other people produce on half-inch or three-quarter-inch tape and make it available for very little money. Teachers all over the country can use it.

Sheila Mahony .... I'd like to pick up on how cable can play a role in constitutional programming. I happen to be enamored of the format that was developed for the "Delicate Balance" series and it seems to me that's the sort of discussion that could take place in community after community. It could be a very inexpensive local program for a cable system or for access producers to put on.
Vice President, Cablevision

But I'd like to ask how difficult is it to moderate those programs? Is it something that can be repeated again and again or is the moderation so special that you would need a highly trained person to work with teenagers and the younger audience? Could a gifted teacher in any community do it?

Fred Friendly .... Teachers can imitate the format of our seminars without doing a *tour de force* job in the style of famous scholars like Arthur Miller or Benno Schmidt or Tyrone Brown. All a teacher has to do is look at our tapes and use some of our materials.

I've always believed, as Edward R. Murrow said, that "television can entertain, it can illuminate, it can inspire, but it can only do that to the extent that men and women are determined to use it for that purpose. Otherwise, it's just lights and wires in a box."

I'm convinced that there's more to TV than lights and wires in a box. And a box of tape in a classroom in the hands of a creative teacher at a university or a high school or a prison can make students of all ages think.

The reality is you can do this kind of thing anyplace. Local stations have anchor people and editorial people who can do it. Schools have people who can do it. It can be done at cable systems as well as local stations.

I'm almost more interested in what stations can do than networks. I think that if I were starting my career again, it would be at a local station or a cable system. I think that's where the action is, that's where you can make a difference.

Peggy Charren . . . . Clearly, part of what goes into making a difference is getting the right kind of materials together for teachers to use with the programs. All programs won't be conceived like the "Delicate Balance" series, with a teaching structure in mind. How can materials be made to work effectively for other types of programs — to connect, for example, a good drama or adventure story to the constitutional issues that ought to be discussed in schools?

Daniel Wilson . . . . When we do issue-based dramatic programs, and we've done them for the three networks, their promotion departments usually produce and send out teachers' guides and reading resource lists along with the program.

But we really don't say anything on the show to announce that they're available. What we're doing is dramatizing interesting programs and we don't want to put a label on it. We want to let the audience just absorb what we have to say.

Joanne Brokaw. . . . . One of the major aims of the "Read More About It" campaign which we do in conjunction with the Library of Congress Center for the Book is to make a connection in a generic way between what a viewer has seen on television and books.

In fact, it almost doesn't matter what books we mention. We're not in the business of promoting particular books. What we're trying to do is promote reading. It's really enough if they only remember that we said "Go to your library or your bookstore to find books on this subject."

Stephen Janger . . . . .With classroom materials, the problem is not so much that there is a lack, but how to get them into use by the teachers.

We brought our materials to 25,000 teachers — the finest cross-section of social studies educators in the country. They don't have time to use them and they don't know how to use them.

In certain states which I won't name, you can put together specific materials for the Constitution and they will be challenged. The materials might not even get into the state. By the time they are reviewed, it might be 1988. I know a lot of organizations are running into this; it's a pragmatic concern that exists out there today.

Peggy Charren .... Maybe it's also time to think more practically about the home video market. For example, parents could buy or rent cassettes of interesting constitutional programming that has already appeared commercially — or use their VCRs to record shows for family viewing a second time. An hour spent on a rerun of a well-done program or a movie classic can be as helpful to a child studying the Constitution as an hour spent with the encyclopedia or a reference book.

Some smart home video producer could hire an expert to screen existing films or programs, pick out those that illustrate constitutional issues, and put together a package of educational materials to go with the cassettes.

Sue Miller Buske ....
President, National Association of Local Cable Programmers

Let me add that with the enormous possibilities offered by local access television on cable systems, I'd stress children producing programs for children, rather than adults producing for kids.

Some might say that you have to be a television professional in order to produce something that people can watch. I think that in the last four or five years, we in the cable field have become more and more aware that given some basic tools and a belief in the adage that "practice makes perfect," some extremely creative programming has come out of children and adults who are community citizens with concerns about issues. Some are the kinds of issues mentioned today: hair length, inspecting students' lockers in school, etc.

It's very important to understand the "Don't just view it, do it" concept. One of our access stations in Albuquerque, New Mexico has that as their theme. It's printed on their tee shirts.

I think it's vital that kids learn how to use television and the tools of television. It helps them to become more critical television viewers and to understand how television can manipulate them.

We should all realize the diversity potential that cable and local access programming can give us — diversity which can include children producing television shows about constitutional issues.

Part 3
From ACT's Files

How To Teach the Constitution on TV

ACT has discussed program ideas and guidelines with a number of teachers and historians. The information below is drawn from their comments.

• Children in early elementary school (grades 1-3) like to make rules. They understand why it's necessary for a community to have laws. Older kids (grades 4-8) are invested in peer relationships. They'll do and like what their friends do and like. Teenagers are always testing authority. They respond to stories about courage and power.

• Kids need visual examples of the elements of a struggle. Bring abstract conflicts to life by showing, for example, who actually drafted the Constitution (white landowners) and how they hammered its provisions out in the steamy meeting hall during the summer of 1787. Make sure the audience knows who wasn't there (Thomas Jefferson, women, blacks, Indians) and why.

• In a society in which many value systems compete, children are often confused about values. They tend to see things as all good or all bad — which makes it hard for them to understand the ambiguities of the Constitution and how it was designed to preserve respect for diversity. Young people need to see how, through compromise, the Constitution accommodates the tension between the search for the "right" answer and the recognition that there is no single "right" answer.

• The best way to teach issues is through problem solving. Set up a constitutional question as a hassle to be examined. Then use a STOP ACTION device and ask the viewers what they'd do; perhaps have them call in solutions. You might want to have a panel of children respond to the same question on camera.

• Kids like material that relates to other kids. A program which solicits ideas from the audience (cards, letters about constitutional issues) might be popular.

• Some interesting questions that programs about the Constitution might explore:

a) The government, through its laws and the Constitution, guarantees the civil rights of all citizens. What obligations do citizens bear in exchange for these rights? (Examples: obligations to pay taxes, to serve in the military, to vote, etc.) Why can the government enforce some obligations and not others?

b) By not using their civil rights, including the right to vote, people lose the chance to see how well they work. No one would want a political leader to take peoples' rights away. Yet many Americans exercise their rights only when there's a crisis. (In the 1980 presidential election, only 53.9%, a little over half the population eligible to vote, actually voted.)

c) Who gets elected makes a difference, even to children, and especially to teenagers. For example, under the Constitution, Congress has the power to decide at what age young people can be drafted. Members of Congress might determine, in a "national emergency," that 16-year olds should serve in the armed forces. This would seriously change children's lives and expectations.

d) Under the Constitution and U.S. civil law, the rights of one person are balanced against the rights of another person or group of people. Some rights will outweigh others, depending on the circumstances. (One classic example: a person's need to trespass on someone's property in order to avoid injury from a vicious dog would outweigh the property owner's right of privacy.) A TV program might involve a panel of kids trying to "balance" people's rights in typical everyday conflicts, with appropriate constitutional background supplied by an "expert."

e) Among the early colonial settlers, children were regarded as chattel and often treated no better than slaves. Now minors receive special consideration and legal protection. How and why did children get to have rights under the Constitution? (Related factors: child labor and minimum wage laws; increased buying power of minors; widespread juvenile delinquency and crime.) In what ways do children's rights differ from those of adults? In what way are they similar?

f) Are children's obligations to the government the same as those of adults? (Example: paying income tax.) When, legally, does a child become an adult? When and why was the voting age set at 18?

Many comments centered on the value of using case material as a basis for programs.

• Think of the Constitution as a tool to address controversies and the amendment process as a safety valve. The Constitution doesn't live in abstract ideas; it lives in life. It's the cases that give the Constitution its organic, living quality.

- Programs should show how court case decisions reflect the public thinking of the period in which they occur. To be accurate, they should indicate the political and/or social biases of the judges who made the decisions.

- Constitutional interpretation changes dramatically over time and sometimes reverses itself. One example: the 1927 Supreme Court found that wiretapping was not unreasonable search and seizure while the 1967 Supreme Court decided that it was. One of the big challenges in creating meaningful TV programs about constitutional cases is explaining how new public needs bring about changes in public attitudes and policies.

- Many constitutional principles that kids can understand are debated at Congressional or other public hearings, without actually ending in court. For example, most children can grasp the free speech issues involved in efforts to censor lyrics or put warning labels on rock music records and video cassettes — a controversy which has not, at this writing, reached the courtroom.

Children and the Constitution

A discussion of constitutional issues and a number of interesting cases specifically affecting children is provided below. ACT is indebted to Sarah E. Walzer, a 1986 graduate of the Harvard Law School, for preparing this material and to Harvard Law School Professor Martha Minow for her support of this project.

Children's Rights in Relation to Their Parents

The first thing to consider when examining children's rights vis-a-vis their parents is that many of these issues never reach the courts. When the dispute is just between the parents and the child, neither party is likely to resort to the courts. It is only when a third party, the state, a school or a doctor, gets involved that issues concerning parents' control over their children and parents' responsibilities toward their children are decided by courts.

There is a series of cases involving parents' rights to choose what type of schools they want their children to attend and, in certain circumstances, when they want to take their children out of school. These cases, *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); and *Wisconsin v. Yoder*, 406 U.S. 205 (1972), all emphasize the importance of parental control over children's education and religious and moral upbringing; however, they do not discuss the children's right to object to the education and religion imposed by the parents. In fact, only in Justice Douglas's dissent in *Yoder* is any concern expressed about the children's wishes. The decision in *Yoder* permitted Amish parents to remove their children from public schools after the eighth grade on the grounds that a high school education was not necessary for their roles as Amish adults. Justice Douglas dissents because there is not adequate information concerning whether the children actually wish to leave school:

> While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. . . . It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. (*Yoder*, at 244-45.)

This statement is one of the most succinct defenses of children's rights under the Constitution; however, it is part of the dissent in a case that did not grapple head on with the issue of the rights of children to object to the education/religion chosen by their parents. While the courts have not confronted the issue of parent/child disputes over education/religion, they have limited the religious activities a parent can force on a child when those activities conflict with other laws. In *Prince v. Massachusetts*, 321 U.S. 158 (1944), the court held that a child's guardian could not force/allow the child to distribute religious pamphlets in the street, even if the child was willing to do so. The Court concluded that the leafletting violated child labor laws, but actually seemed more troubled by the fact that the child might not be making a free choice:

> Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full legal discretion when they can make that choice for themselves. (*Prince*, at 170.)

The interesting question about this case is whether the Court is primarily disturbed by the type of religious activity, i.e. passing out Jehovah's Witness pamphlets on the streets, and might not have objected if the parent was "forcing" the child to work at the church bazaar or sing in the church choir.

Although the courts have said little about children's rights to choose their own religious or educational programs, they have protected the rights of children to make choices about and keep secret from their parents their sexual activitites, particularly as relates to reproduction. Children are allowed access to contraceptives and abortions without their parents' permission. (See *Planned Parenthood of Missouri v. Danforth*, 428 U.S. 52 (1976); *Carey v. Population Services Int'l*, 431 U.S. 678 (1977); *Bellotti v. Baird*, 443 U.S. 622 (1979).) In the case of abortions, however, the Court has held that states may present a child with the choice of obtaining parental permission or appearing before a judge to prove that she is mature enough to make the decision alone in consultation with a physician. Finally, the Court has also upheld a state law that requires doctors to "notify, if possible" the parents of a minor prior to performing an abortion. (See *H.L. v. Matheson*, 450 U.S. 398 (1981).) The right to have an abortion without parental consent parallels the right to have a baby when a parent favors an abortion. In *In Re Mary P.*, 444 NYS 2d 545 (1981), a New York state court ruled that the right to give birth is a personal liberty guaranteed by the Fourteenth Amendment to the Constitution and said:

> [I]t is the child who has the ultimate right to decide. Children are not chattel of their parents. Rather they are citizens in their own right, endowed with certain fundamental freedoms of which they may not be divested by parental fiat. The right to give birth is among those freedoms. (p. 548.)

This is very strong language in defense of children's rights. At this point in time, it is unlikely that you would see a court use this type of language except when protecting an act as universally endorsed as giving birth (having abortions, open access to all contraceptives, choosing one's own mode of education or own religion would probably not be viewed as fundamental freedoms of children). However, in *Doe vs. Irwin*, 615 F.2d 1162 (1980), a federal appeals court declared that a minor's right to privacy includes the right to obtain contraceptives. This case arose when parents protested a family planning clinic which dispersed birth control to teenagers without notifying their parents. The court held that the parents had no constitutional right to be notified. The children were acting voluntarily and, therefore, there was no state violation of the parents' rights to raise, care for and nurture their children.

The area of medical treatment is another area in which children's rights and parental rights conflict. As in other instances, these cases rarely come before the court, unless a doctor, a social worker, or, in some cases, another family member decides a child needs medical care a parent is not providing. In most cases the parent is refusing to authorize certain medical care for religious reasons; occasionally the parent believes it is too dangerous or unnecessary. In these cases the court may or may not attempt to ascertain the child's wishes; however, the cases will usually turn on whether the child's condition is life-threatening and on balancing the danger of the medical treatment vs. the child's suffering from the condition. If the child's life is in danger or if the child is clearly suffering, a court will order medical treatment on the grounds that the child has a right to be able to reach maturity and make her own decisions about religion. On the other hand, when the child's life is not at risk (and even if the child will be confined to a wheelchair without the surgery), courts have been willing to defer to the parental perogative to make decisions regarding their child's upbringing. See (*In Re Green*, 292 A 2d 387 (1972), and *In Re Sampson*, 323 N.Y.S. 2d 253 (1971).)

In the mental health area, the Supreme Court has held that parents can commit their children to a mental health institution with the approval of a physician. The child is not entitled to a hearing prior to being committed. See *Parham v. J.R.*, 442 U.S. 584 (1979): "Most children, even in adolescence, simply are not able to make sound judgements concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments." (p. 603.)

What kind of support are parents required to provide? Although in cases of divorce and/or abandonment courts have required parents to provide for a child's basic needs, there are few cases involving issues of support when a family remains together. In *Roe v. Doe*, 272 N.E. 2d 567 (1971), a daughter sued her father for refusing to support her and pay her college tuition. The father had told the daughter he would only give her money if she lived in a dormitory, which she refused to do. The court held that the parental duty to support is paralleled by a right to impose reasonable regulations and restrictions on the child. If the child abandons the home or refuses to follow the rules, the parents do not have to support her. (Should the same thing be true if the child were much younger and could not support herself?) Only one court, a tax court, has held that parents have a duty to provide children with a college education. (See *Braun v. Commissioner*, 48 T.C.M. (CCH) 219 (1984).) Other courts have indicated that a college education is not a necessity.

While there are no decisions on the issue of a parent's right to search a child's room or read her mail, courts have allowed parents to authorize the police to search their children's rooms. (Adults' rooms cannot be searched without either their permission or a search warrant.) In *In Interest of Sayler*, 358 N.E. 2d 1333 (1977), the court said, "We believe that there is implicit in the rights and duties imposed upon a parent the right to exert parental authority and control over a minor son's surroundings and such implied right to control obviously includes a room in the home of the mother." (p. 1336.)

A final interesting question concerning children's rights in relation to their parents: how much power do parents have to force their children to live with them, no matter where they might move? While we might find it odd to say that a child whose parents had gotten jobs in California was not required to move with them because the child really prefers New York, would we all agree that the parents could also move the child to the Soviet Union or some other country where the child might be persecuted for his religious or political beliefs?

This issue was raised in both state and federal courts when twelve-year old Walter Polovchak decided he did not want to return to the USSR with his parents (who had emigrated less than a year before and had decided they did not like America). By the time it was over, this case involved social workers in Chicago, immigration officials, the State Department, the American Civil Liberties Union and many lawyers. In the end Walter turned eighteen before litigation ended (his parents had long since returned to Russia) and was allowed to stay since he was no longer a minor. Interestingly, both of the state court decisions were in favor of his parents, emphasizing the importance of the parent's right to make decisions about a child's upbringing without interference from the state and focusing on the fact that our system does not usually take children away from their parents unless the parents are abusing the child. (See 432 N.E. 2d 873 (1981) and 454 N.E. 2d 258 (1983).) The federal courts were also protective of parents' rights to decide how to raise their children, particularly in the areas of religion and education. The federal district court concluded, "[S]urely a minor child of tender years does not have the right to control his own destiny, although in some cases this right is taken away from his parents and given to a court." (*Polovchak v. Landon*, 614 F. Supp 900, 902.) The federal appeals court, while endorsing the lower court's version of the parent's rights, also saw rights belonging to the minor child. The court believed these rights grew stronger as the child got older and that a court trying to determine if a child should be forced to leave the country with his parents should balance these rights very carefully. The court, however, focused not on the child's right to choose where to live but on the child's right to "decide to which political system he professes allegiance. . . ." If the court supports the child's right to choose the American system, then it cannot send him back to Russia for fear he would be persecuted. (See *Polovchak v. Meese*, 774 F. 2d 731.)

What are the various rights at stake here? Would the courts (or the State Department) have felt any need to protect Walter Polovchak's rights if his parents were moving to any country other than the Soviet Union? This decision may reflect not concern about a child's right to choose, but instead a desire to allow people to choose democracy and not be forced to return to communist countries. Would the courts/other branches of government have spoken this way if Walter had wanted to return to the USSR and his parents wanted him to stay in the U.S.? Probably not.

Children's Rights Within the Law Enforcement and Judicial Systems

When the juvenile justice system was originally established, reformers hoped it would take a new and different approach to dealing with juvenile offenders. Juvenile courts were designed to be less formal than adult courts. The proceedings were meant to look more like a discussion as to how to help the child than a trial with a punishment if found guilty. Judges in juvenile courts did, however, have the power to lock children up for long periods of time. Gradually children's rights activists have chipped away at the informality of the juvenile justice process, seeking to protect children by instituting the same processes that exist for adult offenders. To a certain extent the courts have resisted this recreation of the adult system at the juvenile level, arguing that children are different and juvenile courts should be different.

In 1966 the Supreme Court issued the first of several decisions which would give juveniles some of the due process rights accorded to adults. In *Kent v. U.S.*, 383 U.S. 541 (1966), the Court held that before a juvenile court waives authority over a case in order to send it to an adult court (done when the defendant is close to adult age or when the crime is particularly horrible), it must hold a complete hearing and the juvenile must have access to a lawyer and all records referred to by the judge. Prior to this decision, juvenile court judges could send cases to adult courts without allowing the juvenile to protest.

In Re Gault, 387 U.S. 1 (1967), is the most significant decision. It applies many of the standards of fundamental fairness and due process previously reserved for adults to juvenile offenders. While the Court did not authorize the use of all things considered due process in adult courts, it did emphasize the need to insure fair treatment for juvenile suspects. Juvenile courts were required to provide: notice of charges prior to the hearing; the right to counsel (notification of this right and of the right to appointed counsel if the defendant cannot afford one); the privilege against self-incrimination (the Fifth Amendment to the Constitution, the right not to be forced to give testimony that might incriminate you); the right to confront and cross-examine those who testify against you.

In *In Re Winship*, 397 U.S. 358 (1970), the Supreme Court held that when a juvenile is charged with an act that would be a crime if she were an adult, the state is required to prove beyond a reasonable doubt that she is guilty. "Beyond a reasonable doubt" is the standard applied in adult criminal trials. Prior to this decision, juvenile courts could reach guilty verdicts based on a variety of other lesser standards, such as "more likely than not," "preponderance of the evidence" or "clear and convincing evidence."

McKeiver, et al v. Pennsylvania, 403 U.S. 528 (1971), indicates the Court's unwillingness to treat juvenile offenders exactly the same as adult offenders. In this case the Court held that the right to a jury trial is not a right guaranteed by the Constitution in juvenile court proceedings. A judge may choose to allow a jury to hear a case, but the juvenile has no right to a jury trial on demand. (The Sixth Amendment has been used to require courts to allow all adults charged with criminal felonies a trial by jury.) In McKeiver the Court argued that juvenile adjudications are not and should not be fully adversarial proceedings; instead, we must continue to uphold the "idealistic prospect of an intimate, informal protective proceeding." (545.)

In *Breed v. Jones*, 421 U.S. 519 (1974), the Court did apply the double jeopardy standard to juvenile proceedings. It held that a child cannot be subjected to an adjudicatory proceeding in juvenile court and then to a criminal prosecution in adult court.

In *Smith v. Daily Mail Publishings*, 443 U.S. 97 (1979), the Court held that it is unconstitutional for a state law to deny newspapers the right to publish a juvenile offender's name when the newspaper uncovered the name in a legal fashion. In this instance the Court was willing to give children some of the negative side of being treated like adult suspects.

Schall v. Martin, 104 S.Ct. 2403 (1984), marks another limitation imposed by the Supreme Court on rights accorded to juvenile suspects. *Schall* holds that preventive, pre-trial detention is a valid exercise of the state's *parens patrae* power. The Court viewed this detention as non-punitive because the juveniles went to school within the detention center and were permitted to wear their own clothes. The Court held that the existing procedures which required notice and a hearing and then a statement of facts and reasons by the judge was adequate to protect the child from being unjustly detained.

The issue of what, if any, special provisions should be made for the questioning of children when they are detained or arrested has never been directly addressed by the Court. When an adult is arrested, she must be immediately advised of her *Miranda* rights (right to remain silent, right to an attorney). Any request for an attorney is an invocation of these rights and must be honored. The decisions that have been made on this issue indicate that courts will hold children to the same standard of ability to understand the warnings and to invoke their rights; that is, the court presumes that the child understood the warning and that unless the child specifically requests to see a *lawyer*, she is willing to talk. In *Fare v. Michael C.*, 442 U.S. 707 (1979), the juvenile requested to see a probation officer he trusted rather than a strange lawyer. The Court held that this was not an indication of an intention to assert the Fifth Amendment privilege not to talk. In *Riley v. Franzen*, 653 F.2d 1153 (7th Cir. 1981), *cert. denied*, 454 U.S. 1067 (1981), a child's request to see his father was also not recognized as an invocation of his rights. The court seemed influenced by the fact that the child's father was not a lawyer and so could not help the child and that the child was "barely" a minor. Is it realistic to assume that a child who has just been arrested or detained would ask for a lawyer rather than a person she knows and trusts? Since this person might be the person the suspect relies on to determine whether to invoke her rights or to talk, shouldn't questioning cease until the child can consult someone?

Some states, however, have enacted laws that make a child's statements to police or anyone else inadmissible unless a parent or a lawyer is present when the child is read her rights and participates in the child's decision to waive her rights and talk.

Most states do allow juveniles to be sentenced to death. As of 1983 there were 18 inmates on death row for crimes committed as minors. Since September 1985, three people have been executed for crimes committed as minors. (A "60 Minutes" show in late March 1986 discussed the case of several Gary, Indiana, high school girls charged with murder in which the prosecutor requested the death penalty. The girls are 14 and 15 years old.)

Children As Witnesses

There are two particularly interesting issues involving children as witnesses: 1) whether they can be forced to testify against their parents and 2) what special techniques can be used to make it easier for children to testify in abuse/rape cases.

There is no absolute parent-child testimonial privilege (as there is for doctor-patient, attorney-client, and, in most cases, husband-wife relationships). Some courts have granted the privilege — allowing parents to refuse to testify against their children and children to refuse to testify against their parents — based upon a desire to protect families and as a parallel to the husband-wife privilege. Other courts, however, have rejected the claim of privilege. A Massachusetts court recently required three children to testify against their father before a grand jury investigating him for murder. (*3 Children v. Commonwealth of Massachusetts*, 455 N.E. 2d 1208.) Some courts and commentators have indicated that in an effort to get troubled children to confide in their parents, it may be advisable to protect the right of parents not to testify against their children; however, this rationale does not work in reverse and allow children not to testify against their parents.

With the recent increase in child abuse prosecutions, there has been growing concern over what to do with child witnesses who may be further traumatized by a courtroom experience and/or may find themselves unable to give coherent testimony in a courtroom, particularly when the event happened quite some time ago. States have focused on two particular alternatives to having the child testify in the courtoom. The first alternative is child hearsay statutes which would authorize an exception to the hearsay rules and allow a parent or a doctor to testify as to what the child told them when she first described the abuse. The second alternative is to permit the child's testimony to be videotaped in a somewhat less overwhelming setting and then played in the courtroom.

In order to protect the defendant's rights to confront and to cross-examine witnesses, many states require that the defendant and the lawyer be present at the videotaping and be permitted to ask questions. Some states do permit judges to exclude the defendant (or put her some place where she can watch but not be seen by the child) if the defendant's presence appears to disturb the child too much; in those cases the defendant's lawyer would be present alone. Concern over the defendant's rights has prompted some protest over these laws. Allowing hearsay testimony by a parent or doctor certainly prevents the defendant from confronting the person making charges against her; some claim videotaping also unjustly gives the accuser an advantage by allowing her to testify in more congenial surroundings while other witnesses are exposed to the traumas of a courtroom. As an alternative that does not remove the child from the courtroom, some states allow the child to sit on the lap of a parent or social worker while testifying and/or allow the child to use anatomically correct dolls to show rather than say what happened.

Some states have also attempted to protect child rape victims by ordering the closure to the press of all trials involving minor victims. The Supreme Court, however, has held that a state cannot require the closure of all such trials; instead, each trial court must balance the minor rape victim's interest in a closed proceeding against the rights of the people, the press and the defendant to a public trial and make a case-by-case determination as to whether the trial should be open or closed. (See *Globe Newspapers v. Superior Court*, 457 U.S. 596 (1982).)

Reporting/Investigating Child Abuse

All states require medical and mental health professionals to report any child abuse they know or suspect is occurring. Most states also require teachers, other school personnel and child care workers to report knowledge or suspicions of abuse. Some states have added clergy and attorneys to the list of required reporters; however, this requirement is complicated by the assumption that communication with clergy and attorneys is confidential and they should not be forced to disclose any information even to protect a child. As concern over child abuse grows, many states are expanding their reporting requirements to include "any person" with information on actual or potential abuse.

Once a complaint is received, most states follow similar investigatory patterns. Often the investigation will include a physical exam and interviews with the child and a home visit. If the family refuses to allow the investigator access to the home, the juvenile or family court upon a showing of good cause may order the family to cooperate with the investigation. This "good cause" standard is less rigorous than the probable cause standard required for a search during a criminal investigation.

Children's Rights Vis-a-Vis The State

The government is empowered to limit our freedom to act in a variety of ways. These infringements on our freedom are usually justified as being necessary for public safety and public welfare. For the most part these limitations leave us free to live where we choose, say what we choose, take the job we want and move about when, how and where we want. Occasionally, however, in a time of national danger the government will expand its powers and impose much greater limitations on people's freedom. During World War II the government interned American citizens of Japanese ancestry — men, women and children. The Supreme Court held that this was a valid exercise of the government's power. In *Korematsu v. U.S.*, 323 U.S. 214 (1944), the Court said "all legal restrictions which curtail the civil rights of a single racial group are immediately suspect," but went on to uphold the internment of Japanese Americans because this was a time of war and complete detention was necessary to prevent spying and acts of terrorism against the U.S.

Although interning citizens who have not been convicted of a crime is not a typical exercise of government authority, the government does restrict our freedoms in other ways — drinking age laws, requiring motorcyclists to wear helmets and motorists to wear seatbelts and requiring children under 16 to attend school. These limitations on citizens' freedoms have been upheld as necessary and proper protections for the public welfare and public safety.

Several federal courts have ruled that state laws establishing legal drinking ages do not violate the equal protection clause of the Constitution, despite the fact that they treat teenagers and children differently from adults. The courts see a rational relationship between the drinking age and traffic safety and view the minimum drinking age as a valid exercise of the state's police power.

In *Felix v. Milliken*, 463 F.Supp. 1360 (1978), a federal district court held that there is no fundamental right to consume alcohol and, therefore, the state need only present a rational reason for limiting the consumption to certain age groups. The court also acknowledged that discrimination on the basis of age, particularly when directed against children, is not usually examined by courts with the same intensive attention that is focused on discrimination based on race, religion, natural origin or gender.

In an earlier decision, *Republican College Council of Pennsylvania v. Winner*, 357 F.Supp. 739G (1973), a court reviewed the various plausible purposes a state could present in defense of a legal drinking age. The reasons included: promoting non-consumption of alcohol by teenagers; promoting non-consumption of alcohol generally; and postponing experimentation with alcohol until the teenager has had several years of driving experience.

There are, however, still some areas where the need for government intervention has not been as clearly established. Juvenile curfews is one area in which courts still disagree as to the need for government interference. While curfews for adults are unconstitutional, some curfews for children have been upheld as a justifiable public welfare protection.

In two cases involving Keene, New Hampshire, the federal district court struck down a juvenile curfew law. In *McCollester v. City of Keene, N.H.*, 514 F. Supp. 1046 (1981), the court held that the city had not demonstrated the need for such a significant intrusion into people's lives. In *McCollester v. City of Keene, N.H.*, 586 F. Supp. 1381 (1984), the court struck down a modified version of the same curfew which barred all children 16 and under from public streets and places after 10 p.m. unless they were returning from work, a movie or a meeting. This time the court held that this was an unconstitutional infringement on juveniles' freedom of movement and on the parents' right to set guidelines and limitations for their own children.

In *Johnson v. City of Opelousas*, 658 F. 2d 1065 (1981), a federal appeals court held that a broad curfew that allows for no exceptions for employment or organized activities unfairly burdens the constitutional rights of minors and by not allowing parents to authorize those activities they consider worthwhile, it unfairly inhibits the parental role in childrearing. The *Johnson* court, however, indicated that a narrower statute with exceptions for various activities would be constitutional as it is permissible to impose some sort of curfew on children.

In *Bykofsky v. Borough of Middletown*, 401 F. Supp. 1242 (1975), a federal district court found a juvenile curfew to be constitutional. The court held that minors' rights are not equal to adults' rights and minors can, therefore, be regulated to a greater extent. The court viewed the curfew as protecting children by keeping them off the streets unless they are under adult supervision, as bolstering parental control and as protecting the public from those minors who may commit crimes. The court did not believe the curfew usurped the parental perogative because the state is always allowed to act for the public welfare and to promote the well-being of children.

Children, Religion, and Schools

The Supreme Court has held that it is unconstitutional to force children to salute the flag. In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), the Court struck down a West Virginia law requiring all children to salute the flag on the grounds that it violated their freedom of speech and religion.

In a number of cases the Supreme Court has held that school prayer in public schools is unconstitutional as it violates the establishment clause which forbids the state from being involved in the establishment of religion. In *Engel v. Vitale*, 370 U.S. 421 (1962), the Court struck down the daily recitation of a "non-denominational" prayer as looking too much like the establishment of a religion by the state. In *School District v. Schempp*, 374 U.S. 203 (1963), the Court held that the practice of beginning each school day with the Lord's Prayer and a reading from the Bible was unconstitutional under the establishment clause. The Court noted that the fact that the students could be excused with parental permission did not make these religious exercises constitutional. Most recently in *Wallace v. Jaffree*, 105 S.Ct. 2469 (1985), the Court held that a mandatory moment of silence for meditation or voluntary prayer was unconstitutional. The Court noted that the state is not permitted to sponsor prayer and this "moment of silence" law was enacted to promote prayer and, therefore, violates the establishment clause.

Student Discipline and Searches

Unlike adults prosecuted in state or federal courts, students who violate or are suspected of violating school rules are not entitled to particular processes designed to protect their rights. The Supreme Court has, however, provided students with some protections from unjust punishments and suspensions. In *Goss v. Lopez*, 419 U.S. 565 (1975), the Court held that a student being suspended from school is entitled to oral or written notice of the charges against her and a hearing at which the student can present her version of the incident. This notice and hearing can, however, be informal and occur immediately after the incident. In *Ingraham v. Wright*, 430 U.S. 651 (1977), the Court held that students were not required to receive a hearing prior to corporal punishment but they were allowed a hearing after the punishment has been administered. The Court also held that the Eighth Amendment which prohibits cruel and unusual punishment does not apply in schools; instead, it only applies in criminal proceedings and punishments. Corporal punishment does not, therefore, violate students' constitutional rights.

In 1985 the Court issued a ruling that allows school officials much freedom to search students lockers, purses and bodies. In *New Jersey v. T.L.O.*, 105 S.Ct. 733 (1985), the Supreme Court held that a reasonable search of a student's purse did not violate the Fourth Amendment's limitations on unreasonable search and seizure. The Court established that reasonableness as determined by the circumstances rather than probable cause is the proper justification for a school search. A search will be ruled reasonable if at its inception there are reasonable grounds to suspect that the search will turn up evidence of "wrongdoing." To determine the reasonable scope of a school search, the authorities must balance the intrusiveness of the search vs. the student's sex and the nature of the violation. The Court, however, left open for interpretation exactly what constitutes "reasonable" grounds to suspect wrongdoing. The range of searches permitted by courts remains to be seen. Recently a state court judge in New Jersey struck down a school board's plans to conduct a urinalysis of all students to test for drugs and alcohol. The judge said the test was an improper search and violated students' right to privacy.

Students' Speech and Political Protests in Schools*

First Amendment issues can become quite complex when they are discussed in the context of the classroom. In this setting these rights must be balanced against the goals, interests and purposes of the educational system; there are no absolutes. Indeed, in some cases strict adherence to First Amendment rights could undermine the teaching of academic materials as well as the communication of social values.

The banning of books from school libraries has recently been an issue of great controversy, and the subject has made it to the Supreme Court in *Pico v. Board of Education, Island Trees Union Free School District No. 26*, 457, U.S. 853 (1982). In the now historic case of *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 506 (1969), the Court held that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The result has been a balancing act between constitutional rights and control of the educational system in question.

For the most part, courts have been hesitant to get involved in these balancing decisions, and have been content to leave the handling of such matters to communities

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**Part of this section was prepared by Gordon Platt, a Harvard Law School student* and professional educators. This is largely because the judiciary does not feel that it is either constitutionally or professionally competent to supervise public education. Another important consideration is that the courts do not feel that they are always in a postition to understand and to judge the social values that any community feels that its school system should impart to students.

At present, there is no truly decisive judicial test that can be applied to school library censorship. The seven opinions which issued from *Pico* tend to reflect the justices' views of society and education more than anything else. The firmest guideline issued for the majority by Justice William J. Brennan, Jr. was that school boards could not remove materials if their intention was to suppress ideas; the concern here was with the presentation of those ideas.

An excellent discussion of *Pico* and a similar case appears in the "Reporter at Large" section of *The New Yorker*, January 16, 1984. The latter case makes for a particularly interesting study because it took place in a small town in Maine — clearly showing the community dynamics at work — and the suit was pressed by a high school student. The article also makes much better reading than the opinions.

Two suits involving school plays and student publications, *Seyfried v. Walton* 668 F.2d. 214 (1981) and *Nicholson v. Board of Education*, 682 F.2d 858 (1982) respectively, are quite similar to the *Pico* case, and all three use the same citations. In the newspaper case suppression of ideas was not allowed, but the supervision and review of articles on sensitive topics was approved. In the play case it was held that greater supervision over student productions than over library materials could be allowed because the expression of sexually explicit material on stage might be deemed inappropriate by school authorities whereas the content of the same material in a library volume would not involve students in the same way.

Although the court has drawn a distinct line between the supression of ideas and the review of sensitive materials for mistakes in the newspaper case, the line between the two areas is not quite clear. Whenever material is reviewed prior to publication, a certain amount of self-censorship enters the picture. A student would certainly be hesitant to submit a controversial, though factually correct, article about the principal to the school administration before publication.

In the major case on student expression of political protest, *Tinker v. Des Moines Independent School District*, the school prohibited students from wearing armbands to protest U.S. involvement in Vietnam. The Supreme Court emphasized the constitutional protection for such symbolic acts of expression, calling them "pure" speech. The Court also focused on the existence of First Amendment rights for students: they are persons as defined by the Constitution and they do not lose those rights when they enter a school. If a school desires to regulate symbolic speech, it must prove that such an expression of opinion would "materially and substantially" interfere with school discipline. In this case where the school singled out just one particular type of symbolic speech and continued to permit students to wear political buttons, the Court did not find the requisite relation to school discipline.

Tinker left open many questions about what was sufficient to show such a material and substantial impact on school discipline (what about political statements which are sure to elicit responses from other students?). It also never defined what constituted symbolic speech besides the wearing of armbands.

Several lower courts have defined *Tinker* quite narrowly. In *Tate v. Board of Education of Jonesboro Arkansas*, 453 F.2d 975, cert. denied 419 U.S. 577 (1972), the court held that silently walking out of an assembly when "Dixie" was being played was not "pure speech" but was a disruptive act not constitutionally protected. Courts have also upheld bans on armbands when the school has a long-term policy of banning all types of political expression including all buttons and armbands. If the school can show that the ban exists for good reason and is not directed at a particular viewpoint, it may restrict the students' freedom of expression. (See *Guzick v. Drebus*, 431 F.2d 594 (6th Cir. 1970), *cert. denied*, 401 U.S. 948.)

Bethel School District v. Fraser addresses the issue of whether a student can be punished for the content of a school assembly speech. In this case a student made an assembly speech that was full of sexual innuendo. The Federal Appeals Court, 755 F.2d 1356 (9th Cir. 1985), found no evidence that the speech had materially disrupted the school. The court refused to give the school the right to determine what was decent or indecent. In the case of speech, these concepts are too amorphous to permit the school to make judgments without proof that the school is being disrupted. This case is expected to be decided by the Supreme Court in late June or early July 1986.

School Rules About Behavior and Appearance

There are few court cases involving school rules about student conduct and dress other than those involving religion and free speech issues. The Supreme Court has not addressed the issue of schools' authority to place restrictions on students' personal appearance — what they wear, how long their hair is, whether they are clean-shaven. Various appeals courts and district courts, however, have examined these issues and devised a number of different approaches. The issue that seems to come into court most often is length of hair. These "hair length" cases began in the late 1960s when male students first began to want their hair below their ears and sometimes below their shoulders.

In *Zeller v. Donegal School District Board of Education*, 517 F.2d 600 (1975), a federal appeals court declared that the right to wear your hair as you want is not a protectable constitutional right. The court believed that restrictions on hair length are properly an area for school official regulation and the federal courts should not intrude. Three years earlier another federal appeals court had held that the right to wear one's hair long is guaranteed as part of the right to be secure in one's person. This court concluded that in order to to regulate hair length the school must present a justification that outweighs those constitutional rights. (See *Massie v. Henry*, 455 F.2d 779 (1972).) In one of the most recent cases involving school regulation of personal appearance, *Davenport v. Randolph County Board of Education*, 730 F.2d 1395 (1984), an appeals court upheld a school rule that athletes had to be clean-shaven. The court believed that "grooming" regulations are within the school's power and are an aspect of the school's concern with hygiene, discipline and the uniformity of the student body.

Recently there has been extensive news coverage of schools' treatment of pregnant students. In one high school an unwed teenager was ousted from her school's chapter of the National Honor Society. In another case a high school declared it would bar a pregnant teen from attending graduation (after extensive protests, the high school changed its mind). These cases have not, however, reached the courts.

One National Honor Society case did get to court and the unwed mother won. As reported in *Wort v. Vierling*, 778 F.2d 1233 (1985), the decision in the court below (the district court) ordered the woman reinstated in the Honor Society. The court held that the school had discriminated against the student on the basis of sex. The federal appeals court opinion addresses only the issue of attorney's fees and does not state any opinion of the lower court's unpublished ruling on the substantive issue.

Interestingly most of the cases involving schools barring pregnant teenagers and unwed mothers from the classroom occurred in the 1970s. Today the issues appear to be the degree of acceptance and "condoning" that goes on in the schools, i.e. admittance to the National Honor Society and participation in graduation ceremonies. Apparently schools have either become accustomed to pregnant students or have established special schools for them. (Since many pregnant teens drop out of school, it just may not be a big issue for school administrators anymore.)

In the 1970s cases the courts seemed to lean towards allowing these young women to stay in school although no court saw it as a definitive right. In *Ordway v. Hargraves*, 323 F.Supp. 1155 (1971), the court held that it is a basic personal right to receive public education. In order to limit or terminate this right, the school must prove that either significant harm would come to the pregnant teen by attending school or that her presence would significantly disrupt the school and harm the other students. In this case the court found no evidence of harm or disruption; however, it did not indicate what would qualify as legitimate harm or disruption.

In some other cases from the late 1960s and early 1970s courts overturned school rules forbidding unwed mothers from attending classes. In *Shull v. Columbus Municipal Separate School District*, 338 F.Supp. 1376 (1972), a federal district court found it to be a violation of equal protection to refuse unwed mothers access to schools. In *Perry v. Grenada Municipal Separate School District*, 300 F.Supp. 748 (1969), a federal district court ruled that unwed mothers could not be excluded from school after their pregnancy unless the school board is convinced their presence "will taint the education of other students." (753.)

Some schools have also discriminated against married students. In *Moran v. School District #7, Yellowstone County*, 350 F.Supp. 1180 (1972), a high school football player protested a school rule that forbade married students from participating in extracurricular activities. The court found no rational basis for the school rule and concluded that the school could only exclude him if it could prove that "the presence of married students will result in a reasonable likelihood of moral pollution. . . ." (1187.)

Other school regulations have also been tested in court. In *Fricke v. Lynch*, 491 F. Supp. 381 (1981), a high school student challenged a rule that prohibited a male student from bringing a male date to the prom. The court held that the rule abridged the student's First Amendment rights. The school's justification — fear of violence — was not found to be sufficient to support this great an infringement on the student. The court ruled that this was not the least restrictive way to deal with the risk of violence.

Schools, Illegal Aliens and Bilingualism

In *Plyler v. Doe*, 457 U.S. 202 (1982), the Court held that a state could not deny public education to illegal alien children. Under the Fourteenth Amendment all those within a state's boundaries are entitled to be given the equal protection of the laws. The Court concludes that since the children themselves have done nothing wrong and probably cannot do anything to alter their status, it is unjust to make them suffer for their parents' misconduct.

The U.S. has a Bilingual Education Act (20 USC 3221-3261) which declares that it is U.S. policy to establish bilingual education programs where appropriate. The statute then describes a number of possible programs. It does not, however, provide many definitive answers about exactly when programs become necessary and how they should be implemented. A number of cases have also addressed this issue, particularly focusing on when the need occurs and what types of programs are required.

In *Lau v. Nichols*, 414 U.S. 563 (1974), the Supreme Court held that it is a violation of the Civil Rights Act of 1964 (i.e. discrimination on the basis of race, color or national origin) to fail to provide some type of special program for students who do not speak English. The Court said that the school system must take affirmative steps to enable students of minority backgrounds to effectively participate in public education. In *Morales v. Shannon*, 516 F.2d 411 (1975), a federal appeals court concluded one year later that "It is now an unlawful educational practice to fail to take appropriate action to overcome language barriers." (415.)

Once the right to some assistance for children with difficulty speaking English was established, the question became what exactly is the school required to supply: compensatory tutoring, a full bilingual-bicultural curriculum or something in between? In *Guadalupe Org. Inc. v. Tempe Elementary School District No. 3*, 587 F.2d 1022 (1978), the court held that there was no constitutional duty to provide bilingual-bicultural education and that remedial instruction in English was sufficient. In *Cintron v. Brentwood Union Free School District*, 455 F.Supp. 57 (1978), however, the court reached a different conclusion. This court ruled that programs must be both bilingual and bicultural and placed special emphasis on the importance of teaching children about their own cultures.

Excluding Individuals On The Basis Of Gender

In *Roberts v. U.S. Jaycees*, 104 S. Ct. 3244 (1984), the Court held that the Jaycees fell under the definition of "public accommodation" and could be required to admit women. Upholding a Minnesota Supreme Court decision that the Jaycees organization was a "public" group because of its size, commercial nature and use of public facilities, the Supreme Court ruled that the freedom of association of male Jaycees would not be unduly infringed by having female members. The ramifications of this decision for other groups that exclude individuals from membership on the basis of gender remains unclear. Minnesota had a law which defined public accomodation and gender discrimination broadly, leading the Court to find that the law could be applied constitutionally to the Jaycees. Other groups of similar type have begun to admit women for fear they would also lose if a lawsuit was filed. The most interesting question is what will happen to groups (including school clubs and sports teams) formed to help women overcome the effects of discrimination: will they remain protected as necessary compensation for past discrimination or will they be required to allow men to become members?

There are several cases that focus on excluding individuals from teams because of their gender and on whether public schools should be permitted to have any single-sex activities. Courts do not agree on this issue and have developed a number of different solutions to the situation. Some courts have required all-male teams to admit women but allowed all-female teams to remain single-sex; other courts have allowed single-sex teams as long as there are teams for both males and females in each sport; and some courts have proposed elaborate strategies for both co-ed teams and single-sex teams in each sport, thus presenting each student with the whole range of options. In *Clark v. Arizona Interscholastic Assn.*,695 F.2d 1126 (1982), cert. denied 464 U.S. 818 (1983), the court focused on whether having an all-female volleyball team furthered an important government goal. It answered the question by speculating on what would happen if men were allowed on the team, and concluded that taller, stronger men would displace women from the team and diminish their opportunities for participating in sports. The court ruled that excluding men from the team is a valid way of furthering the goal of both redressing women for past discrimination and providing them with equal opportunities.

In *Attorney General v. Massachusetts Interscholastic Athletic Assn.*, 393 N.E.2d 284 (1979), however, the Massachusetts Supreme Judicial Court ruled that it was a violation of the state constitution to prohibit men from playing on womens' teams when there were no mens' teams available. It should be noted that Massachusetts has a state equal rights amendment on which the decision was based; there is no equal rights amendment to the federal constitution.

While the Supreme Court has issued no decisions on single-sex school sports teams , the Court has ruled that a state university's nursing school cannot deny entrance to men. In *Mississippi University for Women v. Hogan*, 458 U.S. 7128 (1982), the Court held that it was a violation of the Fourteenth Amendment's equal protection clause to exclude men from a state supported nursing school. In an interesting twist, the Court saw this particular single-sex classification not as remedying past discrimination but as perpetuating a stereotyped view of nursing as women's work. The Court did acknowledge that gender-based distinctions could be justified in some cases if they "intentionally and directly" benefitted members of the sex that has been discriminated against. The single-sex classification must be "substantially and directly related to its proposed compensatory objectives." (458 U.S. at 730.) Certainly the issue of all-women sports teams can be portrayed as the direct remedy for years of denying females any access to school athletics and years of convincing women they did not have the potential to become good athletes.

When Are Children Entitled to Their Own Lawyers?

While children are now guaranteed the right to counsel in criminal cases under *In Re Gault*, there is still much debate over when a child has a right to a lawyer in cases where the child is certainly an interested party but is not one of the named plaintiffs in the case.

Should children be entitled to lawyers of their own in custody disputes between their parents, in adoption proceedings or in child abuse cases? Do children have rights which are distinct from those of both their parents and the state? Is it sufficient to hold the judge hearing the case to "the best interest of the child" standard? Should the child's age influence the decision of whether to provide her with an attorney (i.e. provide a lawyer only if the child is old enough to direct the attorney's actions)? Is there too much of a risk that the attorney will express her own views rather than those of the child?

These questions are currently being widely debated. Some state legislatures and state courts have begun to require independent counsel for children in all custody cases (e.g. Wisconsin) and in parental rights termination cases (e.g. Oregon). Many other states allow but do not require the appointment of an attorney for the child.

Programs in the Works: A Sampling

ACT's inquiries at press time (June 1986) indicate that as yet the TV industry has few firm children's programming prospects relating to the Constitutional Bicentennial. The alphabetical list below, based on information supplied by producing organizations, includes a selection of projects planned or underway. Note that a number of programs are intended for age-specific audiences, ranging from preschool children to teenagers.

ABC-TV

Bicentennial Constitutional Minutes
A variety of 60-second pieces featuring Warner Brothers cartoon characters such as Bugs Bunny and Porky Pig will explain aspects of the Constitution to children. Each has the tag line: "The Constitution Works for Everyone — Even Kids." The spots will air on Saturday mornings beginning fall 1986.

ABC Afterschool Specials
Appointment to Washington, one of the new productions scheduled for the fall 1987 season, dramatizes the experiences of a typically apolitical teenager, the son of a Viet Nam vet, who becomes a Senate page. Concerned that the defeat of a bill relating to veterans will threaten his father's interests, he learns how to work within the legislative system to promote the passage of a law he feels is important.

Agency for Instructional Technology
Bloomington IN

A Video Project for Junior and Senior High School Students to Increase Understanding of the United States Constitution **(working title)**
A series of six half-hour programs designed for classroom use will show recurring constitutional issues. Combining dramatic and documentary formats, each program will present a constitutional theme, introduce relevant textual references and examine the theme from historical and contemporary perspectives. The programs are scheduled to air in September 1987 and will include a teacher's guide and related student materials.

American Bar Association
with KQED, San Francisco

We the People
The ABA, through its Commission on Public Understanding About the Law, is planning a major nationwide program designed to recount the story of the Constitution and its role in contemporary life. The project's design includes components in the mass media and in the schools, as well as conferences and publications.

The project's centerpiece will be a series of four hour-long television programs on the Constitution, to be broadcast on PBS in fall 1987. The prime time series will examine the interplay of American history and the Constitution as well as our national charter's effect on the most vital issues of today. Individual programs will cover these topics: Why a Constitution?; Judicial Power and Equality Under the Constitution; Conscience, Expression and the Political Process; Rights of the Accused.

CBS-TV

Muppet Babies: Kermit Goes to Washington
The Muppet Babies decide to establish their own government based on the U.S. Constitution, which leads Kermit to dream of going to Washington DC as the nursery's new president.

CBS Schoolbreak Specials
The 1986-87 season will have a special focus on constitutional issues, particularly student and juvenile rights. Viewers' guides will be available for selected *Schoolbreak Specials* from the CBS Educational and Community Services Department.

Juvi is the story of a 16-year-old girl's detention in juvenile hall at the order of her mother and stepfather and the traumatizing events that follow as she is imprisoned without appeal or court hearing. Based on a composite of true stories, the drama focuses on abuses of constitutional rights of minors caught in the juvenile justice system.

In ***The Day They Came to Arrest the Book***, the text of *The Adventures of Huckleberry Finn* sets off a dramatic series of events. This timely story examines both sides of the important and controversial issue of book censorship in school libraries.

We the People
A CBS News series of one-minute broadcasts celebrating the 200th year since the signing of the United States Constitution will be presented weeknights in prime time beginning in late September 1986. Former Chief Justice Warren Burger is among a cross-section of distinguished Americans who will make guest appearances as the series offers insights into the history, background and meaning of the document. Throughout the year, *We the People* will also profile the Constitution's framers, look at how the document has been implemented and interpreted, how various Amendments were drafted and why, and report on actual cases involving Constitutional law. Hosts will represent various walks of American life, from college and university presidents, government officials, lawyers and physicians to journalists, athletes and performing artists.

George Washington: The Forging of a Nation
Barry Bostwick and Patty Duke reprise their roles as George and Martha Washington in this four-hour miniseries. The story begins in June 1788 as the new Constitution is

being ratified, and follows Washington through his eight years as the first President of the United States.

Justice Delayed: The Lenell Geter Story
The true account of a case scrutinized by the news media and the NAACP. Lenell Geter was a young black engineer living in Texas who was wrongly accused, tried and convicted of armed robbery and sentenced to life imprisonment. The two-hour prime time movie portrays the injustice and lack of due process endured by 24-year-old Geter and the ceaseless battle he waged with friends and family members against the bureaucratic processes of an imperfect judicial system. Dorian Harewood stars as Geter, along with Dabney Coleman, Paul Winfield and Debbi Morgan.

A Prison for Children
A true life drama concerning four boys who are relegated to a reformatory because there is no other "safe place" for them to go. Guilty only of poverty, homelessness or non-loving parents, the boys fight for survival in an unending trap of brutality, bureaucracy and fear. This two-hour prime time movie traces each of the boys' lives before and during their stay in the juvenile correction system and the strong bond of friendship that helped them to survive.

D.E.A.F. Media, Inc.
Berkeley CA

***Rainbow's End* (series title)**
Rules, Laws and the U. S. Constitution, a program in the series is designed to introduce the Constitution to deaf children. The 30-minute live-action drama will be presented in sign language, with closed captioning and a voice-over. Segments set in a playground and on a game show will explain the concept of rules; the program will then discuss laws and government and the Constitution as a living entity. A theater piece, done at a school for the deaf, featuring an audience of deaf children, dramatizes how a bill becomes a law. The show is expected to air in 1987 and will also be available for purchase in a home video format.

Disney Studios
Burbank CA

***The Constitution Special* (working title)**
A two-hour Disney Special produced by Richard Dreyfuss and Judith Rutherford James, the show will be made up of the images, feelings and perceptions of the Constitution that people carry in their hearts and minds. It will speak with the uniquely American voice that says "Hey! I know my rights!" or "There oughta be a law!" Narrated by Richard Dreyfuss, the program explores the mystery surrounding the Constitution and the startling idea inherent in the phrase "We the People. . . ." Comedians, presidents, immigrants, stars, chauffeurs, politicians, justices, janitors and children will all contribute their views.

Home Box Office

First Offender
This drama about a 13-year-old boy accused of burglary presents an inside view of the juvenile justice system. What happens when a minor is arrested and taken to a juvenile detention center? What are a child's constitutional rights? In tracing one boy's experiences with the law, *First Offender* answers these questions and raises some others about the fairness and efficiency of the judicial process. The movie is based on a book of the same title by Michael Harrah. It will air as an "HBO Family Playhouse Special" in 1987.

Maryland Public Television
Owings Mills MD

This Constitution
A series of eight film essays examines the Constitution as a touchstone for American values, ideas and institutions and as the embodiment of the basic principles and practices of our government and people. The programs, on topics such as religion in public life, equality of opportunity and the symbolic aspects of the presidency, show the Constitution and the constitutional government as enduring features of our national mythic landscape and as standards for judging our public policies. Produced in cooperation with the International University Consortium and Project '87, *This Constitution* will be broadcast on PBS stations in fall 1987. Major funding was provided by the National Endowment for the Humanities.

NBC-TV

Main Street
One entire *Main Street* program will be devoted to the Constitution on this monthly network news series which explores subjects of concern and interest to young people. The show, to be aired during the 1986-87 season, will identify several constitutional issues that are vividly part of kids' lives today.

Lou Reda Productions
Easton PA

Constitution Minutes
Production is in progress on 104 one-minute reflections on the history of the Constitution, with spots being filmed at a variety of locations including Philadephia and Washington DC. Hosting the minutes are political and religious figures and celebrities such as Robert Vaughn, Colleen Dewhurst, E.G. Marshall, Celeste Holm, Dick Cavett and Paul Sorvino. The spots will air from September 1986 to September 1987, with supplementary materials available to schools.

WETA-TV
Washington DC

This Honorable Court
Two one-hour programs on the Supreme Court will be produced for PBS distribution in fall 1987. The programs will have the cooperation of the Supreme Court and its personnel. The first program will trace the evolution of the Court as an institution, highlighting the great leaders and pioneering decisions which molded its development. The second program will provide a close-up look at the modern Court, following the process of cases from their arrival at the Clerk's office to the announcement of their

decision in the pressroom. Correspondent for the series is Paul Duke, moderator of *Washington Week in Review*. *This Honorable Court* has the endorsement of the American Bar Association and the Supreme Court Historical Society. Underwriting is currently being sought.

WNEV-TV, Boston

Young People's Specials

Four hour-long children's call-in specials on the Constitution will be offered live on Saturday morning or weekday afternoons starting in September 1986. Featuring a name host, legal experts and a children's studio panel, the programs will deal with topics such as prayers and patriotism in schools and privacy issues relating to sports and student drug testing. Also planned are special insert "moments" highlighting well-known New Englanders who explain the impact and meaning of the Constitution.

The Chief Justice and the Kids

A one-hour special produced in conjunction with *Scholastic Magazine* will feature an interview with former Supreme Court Chief Justice Warren E. Burger. The young people who ask the questions were selected by the magazine from schools across the country. They include ten high school students, one from junior high and two from elementary school. Available in September 1986, the show will be syndicated nationally.

The Celebration

On September 17, 1987 the actual birthday of the Constitution, WNEV will televise portions of the "Kids Constitutional Convention." This convocation of junior high school youngsters chosen in an essay contest will meet prior to the anniversary date in Boston's historic Faneuil Hall to debate issues of freedom in America and develop a "living" Constitution for the 1980s.

WQED, Pittsburgh

I, and the Constitution

A PBS television series that will graphically bring home to every American how the Constitution is at work each minute of the day — from safeguarding our breakfast cereal in the morning to licensing the TV channel we watch at night. Partially funded by the National Endowment for the Humanities, the series features Judy Woodruff and law professor Tom Gerety who will talk with a wide range of citizens — some sitting on park benches, others occupying the "judge's bench."

Organizations Worth Contacting

These groups, among others across the country, can provide information and educational materials on the Constitution. Some have developed special multi-media resource packages geared to the 1987 Bicentennial.

American Bar Association
Special Committee on
Youth Education for Citizenship
1155 East 60th Street
Chicago IL 60637

American Civil Liberties Union (ACLU)
600 Pennsylvania Avenue SE
Washington DC 20004
(also state branches)

American Historical Association
400 A Street SE
Washington DC 20003

Center for Constitutional Rights
853 Broadway
New York NY 10003

Close-Up Foundation
1235 Jefferson Davis Highway
Arlington VA 22202

Commission on the Bicentennial
of the United States Constitution
734 Jackson Place NW
Washington DC 20503

National Center for Youth Law
1663 Mission Street
San Francisco CA 94103

National Council for the Social Studies
3501 Newark Street NW
Washington DC 20016

National Endowment for the Humanities
1100 Pennsylvania Avenue NW
Washington DC 20506

National Federation of State Hunamities
Councils
12 South 6th Street
Minneapolis MN 55402

Project '87
1527 New Hampshire Avenue NW
Washington DC 20036

Social Science Educational Consortium
855 Broadway
Boulder CO 80302

State Bicentennial Education Commissions
Contact the Governor's Office or State
Public Information Service

Resources

To provide a source of ideas for children's programming, ACT's research director, Paula Rohrlick, has compiled the following selection of books and films. The list is intended as a guide rather than a comprehensive bibliography. Included are materials that deal with the Constitution itself, background events and people, constitutitonal law and civil rights.

Nonfiction

Archer, Jules. ***Who's Running Your Life: A Look at Young People's Rights.*** New York: Harcourt Brace Jovanovich, 1979. *A guide to civil rights for teenagers.*

Asimov, Isaac. ***The Birth of the United States 1763-1816.*** Boston: Houghton Mifflin, 1974. *An account of the causes and events of the Revolution and the formative years of the new republic.*

Black, Algernon D. ***The First Book of Ethics.*** New York: Ethica, 1965. *A book for children about how people treat each other and the rules that govern their behavior.*

Bliven, Bruce, Jr. ***The American Revolution 1760-1783.*** New York: Random House, 1958. *A straightforward account of events leading up to and occuring during the American Revolution.*

Bragdon, Henry W. and Eliot, Thomas H. ***The Bright Constellation: Documents of American History.*** Wellesley Hills MA: Independent School Press, 1980. *A high school text that presents and discusses important documents of American history.*

Bullard, Pamela, and Stoia, Judith. ***The Hardest Lesson: Personal Accounts of a Desgregation Crisis.*** Boston: Little Brown, 1980. *The Boston school desegregation crisis of 1974 is examined from different perspectives.*

Carlson, Dale. ***Girls are Equal Too: The Women's Movement for Teenagers.*** New York: Atheneum, 1973. *A book about feminism and equality, with suggestions for action.*

Cavanah, Frances, and Crandall, Elizabeth L. ***Freedom Encyclopedia: American Liberties in the Making.*** Chicago: Rand McNally, 1968. *An encyclopedia describing people, places, and events relating to American liberties.*

Chute, Marchette. ***The Green Tree of Democracy.*** New York: E.P. Dutton, 1971. *A history of suffrage in America.*

Cobblestone Magazine. Monthly. Cobblestone Publishing Inc., 28 Main Street, Peterborough, NH 03458. *A history magazine for young people.*

Commager, Henry Steele. ***The Great Constitution.*** Indianapolis: Bobbs-Merrill, 1961. *The story of the evolution of the Constitution, including the conflicting colonial views, the preliminary session, and the men who helped draft it.*

David, Andrew. ***Famous Supreme Court Cases.*** Minneapolis: Lerner, 1980. *Discusses ten landmark Supreme Court cases which address such constitutional issues as pretrial rights, the desegragation of schools, and the rights of minors.*

De Pauw, Linda Grant. ***Founding Mothers: Women of America in the Revolutionary Era.*** Boston: Houghton Mifflin, 1975. *Describes the daily lives, social roles, and contributions of women living during the revolutionary period.*

DiPrima, Richard. ***The First Amendment.*** Madison WI: Education Industries, 1982. *A discussion of First Amendment issues for young people.*

Dorman, Michael. ***Under 21: A Young People's Guide to Legal Rights.*** New York: Delacorte, 1970. *An examination of the legal rights to which every young person is entitled.*

Englebardt, Leland S. ***You Have a Right: A Guide for Minors.*** New York: Lothrop, Lee & Shepard, 1979. *Discusses the often misunderstood legal rights of young people and gives information about where to go for help.*

Epstein, Sam. ***Kids in Court.*** New York: Four Winds, 1982. *Examines cases involving young people in which the American Civil Liberties Union felt that civil rights guaranteed by the Constitution had beed denied.*

Fincher, E.B. ***The American Legal System.*** New York: F. Watts, 1980. *A guide to the legal system that emphasizes problems of concern to young people.*

Fincher, E.B. ***The Bill of Rights.*** New York: F. Watts, 1978. *A study of American civil rights and how they are protected.*

Flexner, James Thomas. ***Washington: The Indispensable Man.*** Boston: Little Brown, 1974. *A biography of the public and private lives of "The Father of Our Country."*

Forte, David F. ***The Supreme Court.*** New York: F. Watts, 1979. *Examines the Supreme Court, its role in American history, and its influence on American life and law through landmark cases.*

Fritz, Jean. ***What's the Big Idea, Ben Franklin?*** New York: Coward, McCann & Geoghegan, 1976. *A brief biography of the famous printer, inventor, and statesman.*

Fritz, Jean. ***Where Was Patrick Henry on the 29th of May?*** New York: Coward, McCann & Geoghegan, 1975. *A revealing and colorful portrait of Patrick Henry, pratcical joker and passionate Virginian.*

Fritz, Jean. ***Why Don't You Get a Horse, Sam Adams?*** New York: Coward, McCann & Geoghegan, 1974. *A funny and true incident that throws light on the leaders and events of the American revolution.*

Fritz, Jean. ***Will You Sign Here, John Hancock?*** New York: Coward, McCann & Geoghegan, 1976. *A biography of the first signer of the Declaration of Independence outlining all he did for himself as well as what he did for Massachusetts and his new nation.*

Glubok, Shirley. ***The Art of Colonial America.*** New York: Macmillan, 1970. *A presentation of works of art reflecting many aspects of life in colonial America.*

Glubok, Shirley. ***The Art of the New American Nation.*** New York: Macmillan, 1972. *A varied collection of American art from 1776 to 1826.*

Goldman, Peter. ***Civil Rights: The Challenge of the 14th Amendment.*** New York: Coward-McCann, 1965. *The story of the fight for equality for all Americans.*

Hall, Elvajean, and Criner, Beatrice. ***Today in Old Philadelphia.*** Chicago: Children's Press, 1975. *Surviving landmarks are used to recreate major events in the colonial and revolutionry eras.*

Haskins, Jim. ***Your Rights: Past and Present.*** New York: Hawthorn, 1975. *A guide for young people to their rights in employment, education, child abuse, juvenile justice, and parent/child relations.*

Hilton, Suzanne. ***We the People: The Way We Were 1783-1793.*** Philadelphia: Westminster, 1981. *Describes the manners, customs, and daily living conditions of the American people in the first decade of independence.*

Hirschfeld, Burt. ***The Glorious Struggle: How the United States Became a Nation.*** New York: Hawthorn, 1967. *The story of the American Revolution and the creation of the Declaration of Independence and the Constitution.*

Hoffman, Edwin D. ***Pathways to Freedom.*** Boston: Houghton Mifflin, 1964. *Nine dramatic episodes in the evolution of the American democratic tradition.*

Hoopes, Roy. ***What a United States Senator Does.*** New York: Harper & Row, 1975. *A guide to the U.S. Senate and a description of what Senators do.*

Katz, William Loren. ***The First Book of the Constitutional Amendments.*** New York: F. Watts, 1974. *A survey of the various amendments to the Constitution and their significance.*

Kohn, Bernice. ***The Spirit and the Letter: The Struggle for Rights in America.*** New York: Viking, 1974. *The story behind American civil rights.*

Krauss, Bob, ed. ***A Child's History of America.*** Boston: Little Brown, 1976. *Children's versions of American history, written and illustrated by young people.*

Lawrence, Bill, ed. ***Then Some Other Stuff Happened.*** New York: Atheneum, 1984. *Eighth-grade views of American history.*

Lawson, Don. ***The Changing Face of the Constitution: Prohibition, Universal Suffrage, and Women's Civil Rights and Religious Freedom.*** New York: F. Watts, 1979. *A discussion of some important Supreme Court decisions that have resulted in changes in the Constitution.*

Lewis, Anthony. ***The Supreme Court and How It Works.*** New York: Random House, 1966. *The case of Clarence Gideon, a convict who demands his civil rights, illustrates the functions of the Supreme Court.*

Lieberman, Jethro K. ***Free Speech, Free Press, and the Law.*** New York: Lothrop, Lee & Shepard, 1980. *Fifty controversial cases decided by the Supreme Court show how the First Amendment protects freedom of speech and freedom of the press.*

Liston, Robert A. ***The Supreme Court and the Constitution in Our Time.*** New York: Delacorte, 1977. *A view of the Supreme Court and how its interpretation of the Constitution has shifted to deal with current problems.*

Loeper, John J. ***Going to School in 1776.*** New York: Atheneum, 1973. *Describes education and children's activities in colonial America. A companion volume,* ***Going to School in 1876*** *(Atheneum, 1980), is also available.*

Loeper, John J. ***The Shop on High Street: The Toys and Games of Early America.*** New York: Atheneum, 1978. *An illustrated history of children's pastimes from 1750 to 1850.*

Lomask, Milton. ***The Spirit of 1787: The Making of Our Constitution.*** New York: Farrar, Straus & Giroux, 1980. *An account of the struggle to bring the Constitution into being.*

Luckhardt, Mildred C., comp. ***Brave Journey: Launching of the United States.*** Nashville: Abington, 1975 *A selection of poetry, fiction, and nonfiction highlighting various aspects of life in the United States before, during, and after the Revolution.*

McDonald, Forrest. ***Enough Wise Men: The Story of Our Constitution.*** New York: G.P.Putnam's Sons, 1970. *The story of the group of extraordinary men who brought the Constitution into being.*

Miers, Earl Schenck. ***Freedom.*** New York: Grosset & Dunlap, 1965. *An illustrated account of the history of American rights.*

Morris, Richard B. ***The Constitution***. Rev. ed. Minneapolis: Lerner, 1985. *Discusses the history of the Constitution and its impact on life in the United States.*

Morris, Richard B. ***The Founding of the Republic.*** Rev. ed. Minneapolis: Lerner, 1985.*Surveys the decisive years, 1789 — 1801, of the American Republic under the leadership of the Federalists.*

Norwick, Kenneth P., ed. ***Your Legal Rights: Making the Law Work for You.*** New York: John Day, 1976. *Advises citizens of their legal rights regarding landlord-tenant laws, student rights, birth control, abortion, welfare laws, consumer fraud, the draft, employment discrimination and criminal and drug laws.*

Olney, Ross R. and Olney, Patricia J. ***Up Against the Law: Your Legal Rights as a Minor.*** New York: E.P. Dutton, 1985. *Explores the areas of law that affect young people most, including rights relating to school, home, contracts, jobs, drugs and vehicles.*

Peltason, John. ***Corwin and Peltason's Understanding the Constitution.*** 9th ed. New York: Holt Rinehart Winston, 1982. *A line-by-line explanation of the Constitution intended for use by college students but suitable for all lay readers of the document.*

Peterson, Helen Stone. ***The Making of the United States Constitution.*** Easton MD: Garrard, 1974. *An examination of the United States Constitution and how it was created.*

Prolman, Marilyn. ***The Story of the Constitution.*** Chicago: Childrens Press, 1969. *A brief illustrated introduction to the history of the United States Constitution.*

Scholastic Update Magazine. Biweekly during school year. Scholastic Inc., 730 Broadway, New York NY 10003. *A current events magazine for secondary school students, accompanied by a teacher's edition.*

Sgroi, Peter. ***Blue Jeans and Black Robes: Teenagers and the Supreme Court.*** New York: Julian Messner, 1979. *A look at young people's legal rights.*

Snyder, Gerald S. ***The Right to Be Let Alone: Privacy in the United States.*** New York: Julian Messner, 1975. *Explores the modern technological assault on privacy and looks at some of the ways citizens can be protected.*

Starkey, Marion. ***Lace Cuffs and Leather Aprons.*** New York: Knopf, 1972. *Examines the events that laid the foundation for the national government during the Federalist era of 1783 to 1803.*

Stein, R. Conrad. ***The Story of the Nineteenth Amendment.*** Chicago: Childrens Press, 1982. *A discussion of women's suffrage.*

Sterling, Dorothy. ***Tear Down the Walls: A History of the American Civil Rights Movement.*** New York: Doubleday, 1968. *The story of the black struggle for equality.*

Stevens, Leonard A. ***Death Penalty: The Case of Life vs. Death in the United States.*** New York: Coward, McCann & Geoghegan, 1978. *An account of the case of Furman v. Georgia, in which the constitutionality of the death penalty was debated.*

Stevens, Leonard A. ***Equal! The Case of Integration vs. Jim Crow.*** New York: Coward, McCann & Geoghegan, 1976. *The legal and social history of the "separate but equal" policy endorsed by the Supreme Court in 1896.*

Stevens, Leonard A. ***Salute! The Case of the Bible vs. the Flag.*** New York: Coward, McCann & Geoghegan, 1973. *An account of the Jehovah's Witnesses cases which resulted in the Supreme Court's decision that a compulsory flag salute is unconstitutional.*

Stevens, Leonard A. ***Trespass! The People's Privacy vs. the Power of the Police.*** New York: Coward, McCann & Geoghegan, 1977. *A discussion of a famous search and seizure case involving the Fourth Amendment to the United States Constitution.*

Stevenson, Janet. ***The School Segregation Cases.*** New York: F. Watts, 1973. *Discusses the Supreme Court rulings on racially separate public education.*

Swiger, Elinor Porter. ***The Law and You: A Handbook for Young People.*** Indianapolis: Bobbs-Merrill, 1973. *A guide to the law for teenagers that covers everything from dog bites to constitutional rights.*

this Constitution: A Bicentennial Chronicle. Quarterly. Project '87, 1527 New Hampshire Avenue NW, Washington DC 20036. *Features articles on contemporary constitutional issues as well as on constitutional history; includes curriculum materials.*

Tunis, Edwin. ***The Young United States 1783 to 1830.*** New York: Harper & Row, 1976. *A history of the early years of independence.*

Wayne, Bennet. ***The Founding Fathers.*** Champaign IL: Garrard, 1975. *Biographies of three contemporaries who helped establish the United States as an independent nation: Benjamin Franklin, George Washington, and Thomas Jefferson.*

Weingast, David E. ***We Elect a President.*** New York: Julian Messner, 1977. *A description of the election process.*

Weiss, Ann E. ***The American Congress.*** New York: Julian Messner, 1977. *An explanation of the history and the functions of Congress and its members.*

Weiss, Ann E. ***God and Government: The Separation of Church and State.*** Boston: Houghton Mifflin, 1982. *Analyzes church-state relations, considering situations in which government and religion have supported each other, as well as those in which the two are in conflict.*

Weiss, Ann E. ***We Will Be Heard: Dissent in the United States.*** New York: Julian Messner, 1972. *A history of kinds of dissent and their impact.*

Wise, William. ***American Freedom and the Bill of Rights.*** New York: Parents Magazine Press 1975. *Discusses the development of the Constitution and the evolution of its amendments in response to changing times.*

Fiction

Beatty, Patricia. ***Hail Columbia.*** New York: William Morrow, 1970. *A suffragette in Oregon in 1893 stirs up the town of Astoria with her vigorous dedication to causes.*

Berenstain, Stan, and Berenstain, Jan. ***The Berenstain Bears and the Big Election.*** New York: Random House, 1984. *Papa Bear campaigns for president of the Town Council.*

Blue, Rose. ***Cold Rain On The Water.*** New York: McGraw Hill, 1979. *A Russian immigrant and his family face challenges and problems in America.*

Branson, Karen. ***Streets Of Gold.*** New York: G.P. Putnam's Sons, 1981. *Refugees from the Irish potato famine of the 1840s arrive in New York and struggle to make a place for themselves in an environment more hostile than they had imagined.*

Collier, James Lincoln, and Collier, Christopher. ***The Bloody Country.*** New York: Four Winds, 1976. *A family moves to Pennsylvania from Connecticut at the time of the Revolution and becomes involved in the property conflict between the two states.*

Collier, James Lincoln, and Collier, Christopher. ***Jump Ship to Freedom.*** New York: Delacorte, 1981. *In 1787 a 14-year-old slave, anxious to buy freedom for himself and his mother, escapes from his dishonest master and tries to find help in cashing the soldiers' notes received by his father for fighting in the Revolution.*

Collier, James Lincoln, and Collier, Christopher. ***My Brother Sam is Dead.*** New York: Four Winds, 1974. *Young Tim Meeker tells how the Revolutionary War affects his nonpartisan family living in the Tory town of Redding, Connecticut.*

Collier, James Lincoln, and Collier, Christopher. ***War Comes to Willy Freeman.*** New York: Delacorte, 1983, *Willy, a 13-year-old black girl, undertakes a remarkable search to find her imprisoned mother and free 300 slaves when her patriot father is killed at the hands of the Redcoats.*

Collier, James Lincoln, and Collier, Christopher. ***The Winter Hero.*** New York: Four Winds, 1978. *A young boy, eager to be a hero tells how he becomes involved in Shays' Rebellion (1786 - 1787), begun by farmers in western Massachusetts against unfair taxation.*

Colman, Hila. ***The Family Trap.*** New York: William Morrow, 1982.*With her father dead and her mother in a mental institution, 16-year-old Becky, chafing under the authority of her older sister, petitions the juvenile court to become an emancipated minor.*

Constant, Alberta Wilson. ***Does Anybody Care About Lou Emma Miller?*** New York: Thomas Y. Crowell, 1979. *A 15-year-old makes several discoveries about human nature while helping the local suffragetts elect the first woman mayor of Gloriosa, Kansas.*

Danziger, Paula. ***The Cat Ate My Gymsuit.*** New York: Delacorte, 1974. *Students rally to support a teacher fired for her controversial teaching methods.*

Fisher, Dorothy. ***Our Independence and the Constitution.*** New York: Random house, 1950. *The story of a Philadelphia family's reaction to colonial events.*

Forbes, Esther. ***Johnny Tremain.*** Boston: Houghton Mifflin, 1943. *A classic novel about a young apprentice silversmith who plays an important part in the American Revolution.*

Fritz, Jean. ***The Cabin Faced West.*** New York: Coward-McCann, 1958. *An illustrated story about a lonely girl whose family is visited by General Washington, set in western Pennsylvania in 1784.*

Fritz, Jean. ***George Washinton's Breakfast.*** New York: Coward-McCann, 1969. *Young George W. Allen knows everything about George Washington — except what he ate for breakfast.*

Griffin, Judith Berry. ***Phoebe and the General.*** New York: Coward, McCann & Geoghegan, 1977. *During the Revolution, a young black girl saves the life of General George Washington.*

Hall, Elizabeth. ***Stand Up, Lucy.*** Boston: Houghton Mifflin, 1971. *A visit from her suffragette aunt has a marked effect on the life of a 14-year-old girl in 1904.*

Harrah, Michael. ***First Offender.*** New York: Collins, 1980. *Arrested for a robbery he did not commit, 13-year-old Freddy is sent to a detention center.*

Haynes, Betsy. ***Cowslip.*** Nashville: Thomas Nelson, 1973. *This book relates the trials of a 13-year-old slave girl at the beginnning of the Civil War.*

Hentoff, Nat. ***The Day They Came to Arrest the Book.*** New York: Delacorte, 1982. *Students and faculty at a high school become embroiled in a censorship case over The Adventures of Huckleberry Finn.*

Hurmence, Belinda. ***A Girl Called Boy.*** Boston: Clarion, 1982. *A pampered young black girl who has been mysteriously transported back to the days of slavery struggles to escape her bondage.*

Lawson, Robert. ***Ben and Me: A New and Astonishing Life of Benjamin Franklin as Written by His Good Mouse.*** Amos. Boston: Little Brown, 1939. *A humorous look at Franklin's inventions, discoveries, and successes.*

Lowery, Janette Sebring. ***Six Silver Spoons.*** New York: Harper & Row, 1971. *An adventure story for beginning readers set on the eve of the American Revolution.*

Miles, Betty. ***Maudie and Me and the Dirty Book.*** New York: Knopf, 1980. *Two 11-year-old girls are challenged by parents when they read a book about the birth of puppies to a first grade class.*

Miles, Betty. ***The Real Me.*** New York: Knopf, 1974. *An eleven-year-old girl tells about her efforts to end sex discrimination in choosing classes at school and her fight to have a paper route.*

Monjo, F.N. ***Poor Richard in France.*** New York: Holt, Rinehart and Winston, 1973. *Benjamin Franklin's seven-year-old grandson recounts the events of his grandfather's visit to France seeking aid for the revolutionaries in America.*

O'Dell, Scott. ***Sarah Bishop.*** Boston: Houghton Mifflin, 1980. *A story based on the life of a young girl who lives through the American revolution.*

Peck, Robert Newton. ***Rabbits and Redcoats.*** New York: Walker, 1976. *Two young boys join a band of Ethan Allen's Green Mountain Boys and travel across Lake Champlain, hoping to share in the American victory at Fort Ticonderoga.*

Pfeffer, Susan Beth. ***A Matter of Principle.*** New York: Delacorte, 1982. *A group of high school students are suspended from school for publishing an underground newspaper that the principlal finds offensive.*

Sharmat, Marjorie Weinman. ***Maggie Marmelstein for President.*** New York: Harper & Row 1975. *Maggie runs for president of the sixth grade.*

St. George, Judith. ***The Girl With Spunk.*** New York: G.P. Putnam's Sons, 1975. *A young girl working as household help in Seneca Falls, New York, begins to reconsider her own expected roles during the 1848 Woman's Rights Convention.*

Taylor, Mildred D. ***Let the Circle Be Unbroken.*** New York: Dial, 1981. *Four black chidren growing up in rural Mississippi during the Depression experience racial antagonism and hard times, but they learn from their parents the pride and self-respect they need to survive.*

Uchida, Yoshiko. ***Journey To Topaz.*** New York: Charles Scribner's Sons, 1971. *After the Pearl Harbor attack, an eleven-year-old Japanese-American girl and her family are forced to go to an aliens' camp in Utah.*

Waldron, Ann. ***The Integration of Mary-Larkin Thornhill.*** New York: E.P. Dutton, 1975. *School integration brings many changes to the life of a Southern girl as she enters junior high.*

Walter, Mildred Pitts. ***The Girl on the Outside.*** New York: Lothrop, Lee & Shepard, 1982. *A fictional recreation of the 1957 integration of Little Rock's Central High School, focusing on the experiences of two girl students, one white, the other black.*

Reference

Acheson, Patricia D. ***Our Federal Government: How It Works.*** 4th ed. New York: Dodd, Mead, 1984. *An up-to-date description of how the U.S. government functions.*

"Democracy: How It Is Taught in the U.S." **The Christian Science Monitor**, Education Section. April 30, 1982. *Articles that focus on teaching elementary and high school students about American civil rights and the Constitution.*

Dorsen, Norman, ed. ***The Rights of Americans: What They Are — What They Should Be.*** New York: Random House, 1970. *A set of essays on American civil liberties.*

Langton, Stuart, ed. ***Citizen Participation in America.*** Lexington, MA: D.C. Heath, 1978. *A collection of essays on citizen participation at various levels.*

McClosky, Herbert, and Brill, Alida. ***Dimensions of Tolerance: What Americans Believe about Civil Liberties.*** New York: Russell Sage, 1983. *An extensive study of civil liberties that attempts to discover who learns the norms of tolerance and why.*

Mehlinger, Howard D., ed. ***Teaching About the Constitution in American Secondary Schools.*** Washington DC: American Historical Association and American Political Science Association, 1981. *A collection of papers and recommendations presented at a conference sponsored by Project '87.*

Stevens, George E., and Webster, John B. ***Law and the Student Press.*** Ames, IA: Iowa State University Press, 1973. *A look at cases and legal decisions involving the student press, showing how the law has been applied to school officials and student journalists.*

Voting for Democracy: The Harvard/ABC Symposium. New York: American Broadcasting Companies, 1984. *A report on a symposium about the decline of American voter participation.*

Law-Related Education: Books

Colorado Legal Education Program. ***The Handbook of Legal Education Materials.*** Boulder CO: Social Science Education Consortium, 1977.

Falkenstein, Lynda C., and Anderson, Charlotte D., eds. ***Daring to Dream: Law and the Humanities for Elementary Schools.*** Chicago: American Bar Association, 1980.

Gallagher, Arlene, F. ***The Methods Book: Strategies for Law-Focused Education.*** Chicago: Law in American Society Foundation, 1977.

Greenwald, G. Dale, and Superke, Douglas P. ***Evaluating Social Studies Programs: Focus on Law-Related Education.*** Boulder, CO: Social Science Education Consortium, 1982.

Henning, Joel F., ed. ***Mandate for Change: The Impact of Law on Educational Innovation.*** Chicago: American Bar Association, 1979.

Koyrowski, Jane M., ed. ***Directory of Law Related Education in Projects.*** Chicago: American Bar Association, 1982.

Newman, Bruce A., and Drew, Richard J. ***American Law Source Book for the Classroom Teacher.*** Chicago: American Bar Association, 1981.

Redding, Robert E. ***A Resource Guide to Assist Lawyers and Law Students for Participation in Kindergarten Through Eighth Grade Law-Related Classrooms.*** Washingotn DC: Phi Alpha Delta Law Fraternity, 1981.

Smith, Melinda R., ed. ***Law in U.S. History: A Teacher Resource Manual.*** Boulder CO: Social Science Education Consortium, 1983.

Van Camp, Julie F. ***Courts and the Classroom: A Guide to Law-Related Education Programs Through the Court System.*** Concord MA: LEAD, Inc., 1979.

White, Charles, ed. ***Building Bridges to the Law: How to Make Judges, Police and Other Members of the Community a Part of Your Law-Related Education Program.*** Chicago: American Bar Association, 1981.

Law Related Education: Periodicals

Update on Law-Related Education. 3 issues a year. American Bar Association, 750 North Lake Shore Drive, Chicago IL 60611. *A resource magazine for elementary and secondary school teachers, with articles on the law, recent developments in law-related education, and classroom strategies and materials.*

Examples of High School Readings

At ACT's request, Edward Lerner, Coordinatior of Social Studies for the Newton MA public school system, developed the list below. It represents the types of materials on the Constitution that might be assigned to high school students.

Arnold, Caroline. ***Why Do We Have Rules?*** New York: F. Watts, 1983.

Bates, Elizabeth, D. ***The Making of the Constitution. (A "Jackdaw" kit).*** New York: Grossman, 1972.

Bete Editorial Staff. ***About the Constitution of the United States of America.*** South Deerfield, MA: Channing L. Bete, 1981.

Friendly, Fred. ***The Minnesota Rag: The Dramatic Story of the Landmark Supreme Court Case That Gave Meaning to Freedom of the Press.*** New York: Random House, 1981.

Hayman, LeRoy. ***What You Should Know About the U.S. Constitution and the Men Who Wrote It.*** New York: Four Winds, 1966.

Hentoff, Nat. ***The First Freedom: The Tumultuous History of Free Speech in America.*** New York: Dell, 1981.

Jantzen, Stover, and Jackson, Carolyn. ***Foundations of Our Government.*** New York: Scholastic Book Services, 1977.

Lengel, James G., and Danzer, Gerald. ***Law in American History.*** Glenview, IL: Scott, Foresman, 1983.

Lewis, Anthony. ***Gideon's Trumpet.*** New York: Vintage Books, 1966.

Nesbitt, Barbara. ***Amendments to the Constitution.*** St. Louis: Milliken, 1977.

Nesbitt, Barbara. ***The Constitution and the Bill of Rights.*** St.Louis: Milliken, 1977.

Smith, Edward C. ***The Constitution of the United States — With Case Summaries.*** New York: Barnes and Noble, 1979.

Vaughan, Harold C. ***The Constitutional Convention, 1787.*** New York: F. Watts, 1976.

Weinreb, Lloyd L., Fenton, Edith, and Fleishman, Naomi. ***We the People: The United States Constitution and the Citizen's Power.*** Newton MA: education Development Center, 1968.

White, Charles, ed. ***"The Constitution in Crisis." (Special issue of Update on Law-Related Education).*** Chicago: American Bar Association, 1984.

Audio-Visual Materials: TV Productions, Films, Videocassettes, Educational Software

A Walk Through the 20th Century. "The Second American Revolution." PBS, 1984. 2 60-minute programs. color. *In this edition of Bill Moyers' series, Ruby Dee and Ossie Davis bring history to life by re-enacting episodes that took place during the 100 years after the Emancipation Proclamation.*

An Act of Congress. Learning Corporation of America, 1979. 58 minutes. color. 16mm or video cassette. *A documentary depiciting how a law is made by Congress, using the example of legislation to amend the nation's clean air laws.*

Against the Odds. Nickelodeon (Warner Amex), 30 minutes each segment. color. *A cable TV series for young people, in which the lives of famous people are depicted. Some of the men and women included are Samuel Adams, Susan B. Anthony, Martin Luther King, Jr., and Elizabeth Cady Stanton.*

America. Part 4: Inventing a Nation. Time/Life, 1972. 53 minutes. color. 16mm or video cassette. *Part of the series narrated by Alistair Cooke, in which he discusses the formation of the Constitution.*

America Rock. ABC-TV, 1974. 3 minutes each. color. *Episodes of "Schoolhouse Rock," a series of TV spots for children using music and rhyme to teach American history. "Preamble" explains the preamble to the Constitution. "I'm Just a Bill" follows a proposed bill of law through Congress.*

American History: Birth of a Nation, Part 6 — A Nation in Crisis. AIMS, 1967. 15 minutes. color. 16mm or video cassette. *Tells of the debate and compromise throughout the summer of 1787 at the Constitutional Convention in Philadelphia.*

American History: Birth of a Nation, Part 7 — The Living Constitutiton. AIMS, 1967. 16 minutes. color. 16mm or video cassette. *Relates how the Constitution was accepted by the Constitution Convention of 1787 after the Bill of Rights was added.*

The American Presidency. Films, Inc., 1980. 82 minutes. color. 16mm or video cassette. *An NBC White Paper report that examines the changing nature of presidential power, with film clips of Presidents at work.*

The Background of the United States Constitution. BFA, 1982. 20 minutes. color. 16mm or video cassette. *A look at the series of compromises that created the Constitution, using art and graphics of the period.*

The Bill of Rights. Counselor Films, 1975. 12 minutes. color. 16 mm. *The reasons for the adoption of the first ten amendments to the Constitution, why they were not embodied in the original document, and a discussion of the most important of them.*

The Bill of Rights in Action: Freedom of Religion. BFA, 1969. 21 minutes. color. 16mm. *Lawyers argue the constitutional issue involved when a court-ordered blood transfusion could save the life of a woman and her unborn child, despite the religious objections of the woman and her husband.*

The Bill of Rights in Action: Freedom of the Press. BFA, 1975. 27 minutes. color. 16mm. *An open-ended film concerning a reporter's refusal to cooperate in a criminal investigation in order to protect the confidentiality of a source.*

The Bill of Rights in Action: The Right to Privacy. BFA, 1970. 23 minutes. color. 16mm. *The issue of unreasonable invasion of privacy is discussed in this film about the seizure of evidence and arrests made as a result of police surveillance.*

The Color of Friendship. ABC-TV, November 11, 1981. 60 minutes. color. *An "ABC Afterschool Special" about the friendship between two 13-year-old boys, one black and one white, in a predominantly white town that has just begun a school integration program.*

The Constitution in the 21st Century. Counselor Films, 1975, 12 minutes. color. 16mm. *An affirmation of the adaptability of the Constitution.*

The Constitution: Compromise That Made a Nation. Learning Corporation of America, 1975. 27 minutes. color. 16mm or video cassette. *A recreation of the tense exchanges between the colonial leaders who met in secret session in Philadelphia in May, 1787.*

The Constitution: That Delicate Balance. Media and Society Seminars, Columbia University School of Journalism, 1984. 13 60-minute programs. color. *A series on contemporary constitutional issues. Each program presents a hypothetical case study examining subjects like school prayer and affirmative action.*

The Constitutional Amendments: What They Mean To You. Queue, Thoroughbred Educational Software, Fairfield CT. Color. *Educational software for grades 8 - 12 about the Bill of Rights and the constitutional amendments, featuring animation, simulations and interactive exercises.*

Daddy, Don't Be Silly: A Case of Equal Rights. Indiana University, 1974. 27 minutes. color. 16mm. *Bill Moyers examines how the Equal Rights Amendment came into existence and how its ratification would affect the lives of women and men.*

Decades of Decision: The American Revolution — To Form a More Perfect Union. National Geographic, 1975. 29 minutes. color. 16mm. *The story of the ratification of the Constitution.*

Five Presidents, On the Presidency. BFA, 1974. 24 minutes. color. 16mm. *Eric Sevareid introduces five past Presidents — Truman, Eisenhower, Kennedy, Johnson, and Nixon — and each individually discusses such subjects as presidential power, Congress, decision making, and American politics.*

George Washington and the Whiskey Rebellion: Testing the Constitution. Learning Corporation of America, 1975. 27 minutes. color. 16mm or video cassette. *The newly formed law of the land meets its first challenge in this dramatic reenactment of Washington's enforcement of the whiskey tax.*

Gideon's Trumpet. CBS-TV, April 30, 1980. 120 minutes. color. *Henry Fonda stars as Gideon in a true story about the decision that an accused person in entitled to legal counsel. Adapted from the book by Anthony Lewis.*

Inherit the Wind. United Artists, 1960. 127 minutes. black & white. 16mm. *A dramatization of the famous Scopes trial, starring Spencer Tracy.*

Juvenile Court. Zipporah Films, 1973. 144 minutes. black & white. *Produced and directed by Fred Wiseman, the film shows a complex variety of cases before the Memphis Juvenile Court: foster home placement, drug abuse, armed robbery, child abuse and sexual offenses.*

Kidspeak. Continental Cablevision of Newton MA, 1982. 30 minutes. color. *A local cable series that poses hypothetical and real-life dilemmas to children and adolescents, exploring such issues as children's rights and censorship.*

Legacy of a Dream. Martin Luther King Foundation, 1974. 29 minutes. color. 16mm. *Highlights in the life of Dr. Martin King Jr., including the Montgomery bus boycott, the march on Washington, and the Selma march.*

Liberty. NBC News Special, April 3, 1976. 86 minutes. color. *A bicentennial special narrated by David Brinkley that examines American liberties and explores the struggle to gain and keep them over the last 200 years.*

Meet George Washington. Films, Inc., 1969. 54 minutes. color. 16mm. *A biographical study based on Washington's own words, those of his colleagues, and newspaper articles of the time, produced by NBC-TV.*

A Simple Matter of Justice. Films, Inc., 1978. 26 minutes. color. 16mm or video cassette. *Highlights the history of the Equal Rights Amendment and covers the opposition, both historical and contemporary, to the measure.*

Skokie. CBS-TV, October 1981. 120 minutes. color. *A CBS-TV Special about the Nazi/Skokie conflict and the First Amendment principle of freedom of speech.*

Soup for President. ABC-TV, November 18, 1978. 30 minutes. color. *An "ABC Weekend Special" about Soup's campaign for school president, adapted from Robert Newton Peck's novel.*

To Form a More Perfect Union. National Geographic Society, 1974. 30 minutes. color. 16mm. *The struggle over the ratification of the U.S. Constitutiton.*

The U.S. Constitution: Our Guarantee of Liberty. Queue, Thoroughbred Educational Software, Fairfield CT. Color. *Educational software for grades 8 — 12 about the role of the Constitution and importance of the Bill of Rights, featuring animation, simulations and interactive exercises.*

The Wave. ABC-TV, September 28, 1981. 60 minutes. color. *An "ABC Afterschool Special" that looks at how freedom and dissent are handled in a disciplined society through a high school history class experiment that demonstrates how Hitler came to power.*

What's the Presidency All About? Carousel, 1974. 25 minutes. color. 16mm. *An examination of the office of the President and the men who have held it, produced by CBS-TV.*

Why We Have Elections: The Kings of Snark. Learning Corporation of America, 1973. 9 minutes. color. 16mm or video cassette. *An animated tale set in a mythical kingdom that demonstrates the concept of holding elections.*

Appendix

ACT on the Constitution: Symposium Participants (affiliations as of June 1984)

Charlotte Anderson
Staff Director, Special Committee on
Youth Education for Citizenship
American Bar Association

Mary Ches Applewhite
U.S. Department of Education

Grace Baisinger
Past President
National PTA

Aida Barrera
President
Southwest Center for
Educational Television

Charles Benton
President
Benton Foundation

Bruce Boucher
Office of Rep. Nielson
U.S. House of Representatives

Richard C. Block
Executive Vice President
Metromedia Television

Joanne Brokaw
Vice President, Educational and
Community Services
CBS/Broadcast Group

Tyrone Brown
Steptoe and Johnson

Sue Miller Buske
President, National Association of Local
Cable Programmers

Grace Cavalieri
National Endowment for the Humanities

Ward B. Chamberlin, Jr.
President
WETA-TV, Washington, DC

Julia Chasman
Showtime/The Movie Channel

Lucy Chudson
Director of Family Programming
Home Box Office

Edwin G. Cohen
Executive Director
Agency for Instructional Technology

Helen Cole
Forestville Elementary School
(Great Falls VA)

Ossie Davis
Actor

George Dessart
Vice President
CBS/Broadcast Group

Brian Dobson
Vice President, Corporate
Communications
Iroquois Brands Ltd.

John Doolittle
WATCH

Virginia Field
National Endowment for the Humanities

Terence J. Fox
Chairman
Iroquois Brands Ltd.

Lawrance P. Fraiberg
President, Television Station Group
Westinghouse Broadcasting and Cable

Fred Friendly
Media and Society Seminars
Columbia School of Journalism

Michael Fuchs
President
Home Box Office

Ruth Graves
President
Reading is Fundamental

Judith Hines
Vice President and Director
American Newspaper Publishers
Association Foundation

Richard Huber
Assistant Director for Media Programs
National Endowment for the Humanities

Karen Jaffe
National Education Association

Stephen A. Janger
President
Close-Up Foundation

Charles Keller
Vice President
Capital Cities Television Productions

Stephen J. King
Overbrook High School
(Philadelphia PA)

Ernest Kinoy
Writer

Judith Krug
Director, Office for Intellectual Freedom
American Library Association

Gara LaMarche
Associate Director
New York Civil Liberties Union

Louise Latty
Superintendent Assigned for Instruction
New York City Board of Education

Betsy Levin
Dean
University of Colorado School of Law

Anthony Lewis
Columnist, *New York Times*

Evelyn Lieberman
Director of Public Affairs
Children's Defense Fund

William Lynch
Executive Vice President
Leo Burnett Company

Sheila Mahony
Vice President
Cablevision

Sheilah Mann
Director
Project '87

Donald L. Marbury
Associate Director, Cultural
and General Programming
Corporation for Public Broadcasting

Frank Mauro
Ways and Means Committee
New York State Assembly

Suzanne Maxey
Teacher-Coordinator
Bladensburg (MD) High School

David McCullough
Author; Host, "Smithsonian World"

Martha Minow
Assistant Professor
Harvard Law School

Linda Monk
People for the American Way

George Moynihan
Vice President, TV Station Group
Westinghouse Broadcasting and Cable

Paul L. Murphy
Professor, Department of History
University of Minnesota

Norbert Nathanson
Director of Program Marketing
WMHT (TV), Schenectady NY

Terri Park
Vice President, Public Relations
WNEV-TV, Boston

Robert S. Peck
Staff Director, Commission on Public
Understanding About the Law
American Bar Association

Ruth Pollak
Vice President, Script Development
EFC Film & Video Production

Charles Potter
Senior Producer, Children's
Audio Service
Southern Educational
Communications Association

Alvin F. Poussaint, M.D.
Associate Professor of Psychiatry
Harvard Medical School

Billie K. Press
National Institutes of Mental Health

Jean Quinette
Smithsonian Institution

Stephen Rabin
President
EFC Film & Video Production

Lou Reda
Lou Reda, Inc.

Squire Rushnell
Vice President for Long Range Planning
& Children's Television
ABC Entertainment

Carolyn Sachs
Executive Director
Benton Foundation

Jeffrey Schiffman
Program Director
WNEV-TV, Boston

Benno Schmidt
Dean
Columbia Law School

Pat A. Servodidio
President, Television
RKO General

William Singer
President
Prime Time School Television

Linda Skover
American Newspaper
Publishers Association

Richard Smyser
President
American Society of Newspaper Editors

Dighton Spooner
Producer
WGBH, Boston

Stuart Sucherman
Columbia University

Kate Taylor
Associate Director, Children's
and Cultural Programming
PBS

Raymond J. Timothy
Group Executive Vice President
NBC

Phyllis Tucker Vinson
Vice President for Children's
Programming
NBC Entertainment

Garland Waller
Producer
WBZ-TV, Boston

James Wendorf
Reading is Fundamental

Arthur H. White
Vice Chairman
Yankelovich, Skelly, and White

Daniel Wilson
Daniel Wilson Productions

Peggy Wollerman
Vice President, Public Affairs
Kellogg Company

Catherine Wyler
Director, Children's and Cultural
Programming
PBS

Peggy Charren is president and
Carol Hulsizer is publications director
of Action for Children's Television.

Design: Lyons Associates/Watertown
Typography: Anne Tregay/Waltham